Bombay Gazette.

Volume 34. Wednesday, October 22, 1823. No. 1742.

Kempt and Co.

WILL CONTINUE THE SALE
BY PUBLIC AUCTION,
OF THE
Stock in Trade
Of the late Firm
OF
Messrs. Lugrin and Watson,
This Day, and Tomorrow,
THE 22D AND 23D INSTANT.
Bombay, 22d October 1823.

Kempt and Co.

WILL SELL
BY PUBLIC AUCTION,
On Saturday the 25th Instant,
AN INVOICE OF
French Satin
OF THE
BEST DESCRIPTION
White and other Colors,
Ribbon, and white silk Stockings,
AND
SEVERAL USEFUL ARTICLES
OF
Household Furniture.
Bombay, 22d October 1823.

Baxter and Co.

WILL DISPOSE OF
BY PUBLIC AUCTION,
On Thursday (to-morrow) 23d Instant.

A Quantity of Beer and Holland in Bottle, China lackered ware consisting of Card Boxes, Writing Desks, Work Boxes, and Tea Caddies; Glass ware; Black and Green Tea in Boxes; A Palanquin two Saddle Horses and a Variety of other Articles.

B. and Co. have exposed for Sale on Commission a few Pairs of Elegant Fashionable Chandeliers, which will be Sold on reasonable terms.

Bombay, 22d October 1823.

Tobe Sold

BY PUBLIC AUCTION,
On the 8th of November next,
AT 4 O'CLOCK IN THE AFTERNOON
By the Administratrix of the late
Mr. Rozario De Quadros
ON TTE
PREMISES.

A SUBSTANTIAL and well built Spacious HOUSE with GARDEN, well Stocked with VALUABLE FRUIT TREES at Mazagong behind the grove formerly the late *Sir Miguel de Lima's House*; the House is in occupation still by the family of the said late MR. QUADROS.

The property may be seen and examined at any time on application to SIR ROGER DE FARIA, where further particulars may be known, and the conditions of the Sale.

(c.) Bombay 3d Oct. 1823.

• જાહેર•લીલાંઉ•ફરીને•વેચશે*

મરનાર•શેર•રાજર•દે•ફ્રુઆદ

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ડવાની•પાશેછે•ફિ•ઘેરમાં• ફજી•

અસ્યી•મરનાર•મીશનર• ફ્રુઆદરો

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તા૦ 3 જી•અકટોબર ૧૮૨૩

Eduljee Cursetjee's Sons

WILL SELL
BY PUBLIC AUCTION
On Monday next the 27th Instant,
At their Rooms,

EIGHT Horses and a Curricle the Property belonging to an Officer leaving the Presidency.

N. B. The Sale to commence at 12 o'Clock.

Bombay, 22d October 1823.

For Sale

AT
Messrs. John Leckie and Co's.

LONDON Particular from Scott, Loughnam and Co. at Rupees 600 per Pipe.

Malmsey from Ditto at Rupees 225 per Quarter Cask.

Port Wine from Buckles, Bagster and Buchanan, in 12 and 6 Dozen Chests, at Rupees 20 per Dozen.

Ditto Ditto in Pints, in 12 Dozen Chests, at Rupees 12 per Dozen.

London Particular from Blackburn's, Bottled in England, in 12 and 6 Dozen Chests, at Rupees 22 per Dozen.

Bombay, 22d October 1823.

Advertisement.

A CURRICLE with a Pair of Curricle Horses and Handsome Brass Curricle Harness to be Sold immediately Price Rupees 2,200. For Particulars enquire of BALCRUSTNA WASSOODEWJEE Purvo in Secretary Office.

P. S. The Curricle turns into a Buggy, and also a Buggy Horse Harness, if want.

Bombay, 22d October 1823.

For Sale

6 Pipes of excellent old Cogniac Braudy imported per H. C. Ship Herefordshire.

Price 3 Rs. per Gallon, in Pipes,—terms Cash.

For particulars apply to FRAMJEE COWASJEE'S Office.

(2) Bombay, 15th October 1823.

For London Direct

THE FINE SHIP

Layton,

CAPTAIN

DAVID MILLER,

BURTHEN 498 TONS.

WILL sail on the 28th Instant, her entire Cargo being engaged. For the terms of passage apply to PRINSEP and Co. or to the Commander on board.

Bombay, 22d October 1823.

For London Direct

THE SHIP

England.

CAPTAIN JOHN REAY,

Daily expected from

COLUMBO,

FROM which Port she was to sail for Bombay on the 20th Ultimo according to advice received.

For Freight or Passage apply to PRINCEP and CO.

N. B.—She will probably be dispatched in all November, her Cargo being mostly engaged.

Bombay, 15th October 1823.

GENERAL ORDERS.

BOMBAY CASTLE, 9th October 1823.

By the Hon'ble the Governor in Council.

A HAVILDAR'S party of Native Infantry, serving on board one of the Hon'ble Company's Cruizers, having been placed under stoppages, to answer for a portion of the Law or other expences attendant on the detention of certain Vessels having slaves on board, the Hon'ble the Governor in Council is pleased to declare, that no Officer of any description shall ever cause a Sepoy to agree to assign or appropriate his pay to any particular design or purpose whatever.

Bombay Castle, 10th October 1823.

The Hon'ble the Governor in Council is pleased to permit Surgeon Hewitt of the 5th Regiment of Native Infantry, to proceed on furlough to Europe, for three years, on his private affairs.

In consequence of the death of Lieutenant Colonel John James Smith of the 1st Battalion 3d. Regiment Native Infantry, which took place at Bhooj on the 27th ultimo, the following promotions are made by the Hon'ble the Governor in Council.

Infadtry.

Senior Major James Sutherland to be Lieutenant Colonel, vice Smith deceased.—Date of Rank 28th Sept. 1823.

5th Regiment N. I.

Senior Captain Charles Whitehill to be Major, Lieutenant John H. Belassis to be Captain, and Ensign Robert Thomas Lancaster to be Lieutenant in succession to Sutherland promoted.—Do. do.

The Promotion to a Regimental Majority of Captain Whitehill, Assistant Adjutant General to the Guicowar Subsidiary Force, vacating that appointment, the Honorable the Governor in Council is pleased to make the following appointments.

Captain J. H. Aitchison 3d Regt. of N. I. Provincial Major of Brigade, to be Assistant Adjutant General to the Guicowar Subsidiary Force, vice Whitehill promoted,—Date of Appointment 28th September 1823.

Lieutenant Rankin, 12th Regiment N. I. Fort Adjutant at Surat, to be Brigade Major to the Forces, vice Aitchison appointed Assistant Adjutant General Guicowar Subsidiary Force,—do. do.

Captain W. Ogilvie 12th Regt, N. I. to Perform the duties of Assistant Adjutant General, to the Guicowar Subsidiary Force until the return of Captain Aitchison from Calcutta or until further orders.

By Order of the Hon'ble the Governor in Council

W. NEWNHAM,
Chief Secretary,

To the Editor of the Bombay Gazette.

SIR,

In your report in the Gazette of Last Wednesday of the proceedings that took place in the Recorders Court on Tuesday the 7 Inst. I find the following passage:—

"The Recorder knew of no such representations ever having been made (i. e against the Rules of the small cause Court) If the allusion in the memorial meant to refer to a memorial sent home to the King in Council by an Individual on the subject, he had this to say that he had certainly heard of such a thing, but he could tell the Gentlemen of the Bar that it had not met with any consideration, and that an answer had never been returned."

Confiding in the accuracy of your report on this subject, I am inclined to suppose that the memorial referred to in the passage I have quoted, is that which was forwarded to England by a Gentleman of the Bar, now absent from Bombay during the time that Sir James Mackintosh filled the office of this presidency, for it is the only memorial I have ever heard of from any person connected with the Court of Recorder. If you think I am correct in this supposition, you will perhaps do me the favor to say in your next paper, that although the representation in question merely came from an Individual member of our society, His Majesty's Ministers thought if of sufficient importance to call on Sir James Mackintosh for a refutation of its contents or explanation of the circumstances stated in it, as he might think necessary, and if I mistake not Sir James afterwards received a reply from the ministry, expressing themselves satisfied with the explanations he had given.

The Transaction is of so old a date that I cannot charge my memory with every circumstance connected with it but I can speak positively to the fact of a reference having been made to Sir James Mackintosh by His Majesty's Ministers in consequence of that memorial, and I have a strong impression on my mind that the Gentleman who forwarded it, was honored with an acknowledgement of its receipt, and some explanation of the circumstances that prevented it from being further attended to.

To the latter points I would not however be understood to spake so distinctly as I do to the former, though I have reason to believe that I do not err in stating the whole matter as I have done above.

VERAX.

Bombay 20th October 1823.

To the Editor of the Bombay Gazette.

SIR,

As you receive contributions to your Weekly paper in the shape of news, Information &c. I beg leave to inform you that Yesterday Evening exactly at 9 and ¼ M. past 7 o'Clock a shock of an Earthquake was must sensibly felt at this place, it struck us at first to be distant thunder; its direction was apparantly N. W. by W. and continued for ths space of about 2 second.

It was generaly felt by all around and sume Tiles from a Neighbouring Home fell. A party who were seated quietly at Tea in an adjucent Bungalow perceived the Caps to move and shake very sensibly, exactly at the time above mentioned.

I am Sir,

Your very obedt. Servant,

ASUBSCRIBER.

To the Gazette

Dhoorliah 10th Oct. 1823.

THE GAZETTE

BOMBAY.

WEDNESDAY, 22ND OCTOBER 1823.

We have no arrivals to publish since our last paper.

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

The Layton we understand will sail on the 28th instant and the Charlotte 1st proximo.

We observe that the Investigator arrived at and sailed from Madras the 4th October.

We are not in the least surprised to find the Courier charging us with an over-zeal in the performance of our functions, as Editor of this Paper; we strongly suspect that he has had good grounds for entertaining this opinion for some time past, and that he has only waited for a convenient opportunity to give vent to his feelings.

Up to the date of his last paper, we are free to confess that we could not conscientously have retorted the charge; and we should, with all our heart, have acquitted him of any serious intention of being over-zealous in his Editorial calling.

But we confess we are surprised to find the Courier treating the Report of the proceedings, in the Recorders Court, which we published in the last Gazette, in the way that he has done. And we feel it to be our duty to remark upon it.

We beg however to state, in the outset, that, had the attack been directed only against ourselves, had we alone been the object of the Courier's vituperation, regarding the attack, as we do, as feeble and puerile, we should have let it pass unnoticed.

But an attempt having been made to throw an air of discredit on the Report of the proceedings, as we published them, for which Report we were indebted to the good offices of a friend, we should be wanting to ourselves, no less than to the individual in question, were we to neglect this opportunity to refute the charges of the Courier.

The way in which the Editor of the Courier combats our Report of the proceedings is not a little singular. He tells us that he was "in Court all day, and heard all that passed," he would also wish us to understand that he or some one for him plied the files of the Court—drew out his statement, and then, he says, we think rather injudiciously, he shewed the statement to two Gentlemen belonging to the Court, who concurred with him as to its correctness; therefore says the Courier very ingeniously you, the Editor of the Gazette, after admitting that you were not in Court when the *fee subject* was discussed, you are wrong, if you conceive our report to be incorrect, when your information is derived from another, perhaps interested person.

Now we beg to ask (and we are almost ashamed to put the question) whether it necessarily follows that because the Editor of the Courier was present during the whole of the proceedings, the Report he has given must be correct, and that because we were present but for a short time, our Report as necessarily incorrect.

Does the scepticism of the Courier carry him to such lengths, that whilst he modesty claims for himself infallibility in the matter of Reports, he considers he is at liberty to impugn our Report, because, it did happen that, we entertained some doubts as to the propriety of publishing the Report, which appeared in the Courier, tho' the Editor was present during the whole of the proceeding?

But, in the name of wonder! what have the readers of the Courier gained by its Editor being in Court and hearing all that passed and after his making all the bustle aud preparation, which he talks about?

It seems that charges of a very grave nature, affecting the Bar of this Presidency, have induced the Court to suspend one and all of the Barristers from practising in the Court for the space of six months. And the Courier is the first to publish an account of the proceedings, and what sort of an account does the Courier publish?

He *(habetis reum confitentem)*" who was "in Court the whole day, heard all that passed devotes a page, no, not a quarter of a page, to report as, he says, "an impartial outline of what took place." Now what we have to quarrel with the Courier about is, that after having given an almost verbatim copy of the judgment of the Court, after having stated the criminatory matter, he has not published one word of that part of the proceedings, which went to explain and extenuate the alledged misconduct of the Bar; nay, for any thing that the Courier has said to the contrary, the public may suppose that the Advocate General or Mr. Irwin, two of the principal speakers, were not even in Court whilst the proceedings were going on. It is in this view of the case that we think the Editor of the Courier will have some difficulty to persuade his readers that he himself is altogether free from the imputation with which he has, God knows ignorantly enough, attempted to charge us.

It may perhaps be as well to state, in order to remove any doubts, which the Courier's remarks may have raised, on the fidelity of the Report we published of the proceedings, that we have the best authority for saying the Report, as far as it is possible for such a Report to be correct, may be pronounced an authentic one.

RECORDER'S COURT.

Dean Mahomed Shaik Mahomed, for burglary—found guilty—sentence 2 years imprisonment, and twice flogged; Sheetaree, woman, as receiver, was also found guilty and sentenced to six months imprisonment.

Carapet Povus for Larceny,—found guilty and sentenced to 2 months imprisonment—Luis Fernandez, as receiver acquitted.

Moolood Joosof and Hajee Iseu for Larceny, acquitted.

Henry West, a Soldier, for Larceny, found guilty—and sentenced to 18 months imprisonment.

Hurka Dongery, for receiving stolen goods, found guilty—seven years transportation to Penang.

Nowrojee Cursetjee for a Robbery—not guilty.

Ranee, woman, for stealing in a dwelling house—not guilty.

Hajee Syed Ali, for a Larceny, guilty—7 years transportation, and Amerchund Chunpeer, as receiver—2 years imprisonment.

Shameer Khan Ali Khan for a burglary guilty—1 year in Jail and twice flogged.

Annia Dhonjee and Toolseram Bundoosing for a gurglary, and Mahomed Virdass for receiving—found guilty and sentenced to 1 year's imprisonment.

The most interesting case is that of the trial for murder, and a stronger instance of cold blooded villainy we have seldom heard of.

The circumstances of the case are to the following effect.

On the evening of the 20th of August last, several poor people, who were travelling to the city of Poona, took up their quarters for the night in a Pagoda which stands near the high-way about 2 miles from the city and about 3 quarters of a mile from the cantonments of the Horse Artillery and 47th Regiment. About ten o'clock they were awoke by a great noise in the Pagoda occasioned by the entrance of two or three Soldiers who began to strip them of their clothes and to demand money threatening to shoot them if they did not comply. Amongst those who had taken up their quarters in the Pagoda there was a poor man who, with his wife, lay in an inner apartment;—the soldiers after taking away their clothes, laid hold of the woman, when the husband said to them, "after taking away our clothes, are you going to take my wife also?" Upon this, one of the Soldiers snapped a pistol at him twice, and finding it would not go off, he borrowed another pistol from one of his companions, loaded it, and deliberately shot the poor unresisting man through the heart. When her husband fell, the woman seized the murderer by the sleeve of his shirt and held him until his repeated blows, and threats of murdering her also, obliged her to desist, and they all made their escape.

The Court met at 11 o'clock on Saturday when the Recorder proceeded in a feeling and solemn manner to pass the awful sentence of the Law upon Reagan

convicted of the Murder of a native at a Pagoda near the Horse Artillery Lines Poona. Young, Harridge and Greily who were indicted but found Not Guilty were then brought forward to be discharged, when the Recorder earnestly exhorted them to take warning from the ignominy of their comrade, and learn to set as high a value on a natives life as that of a European, altho' the former might be weaker in body and intellect than themselves. He commented severely on an expression made use of by one of them, that he would kill five black fellows for a Rupee, after which they were discharged.

The Foreman of the Grand Jury then addressed the Court, and stated that a Deputation from their Inquest had visited the Jail and that the Grand Jury hoped before the next Sessions to be able to point out a method for separating Prisoners under sentence, from those committed for trial, which they thought might be adopted.

They also presented Petitions from two Prisoners who, in addition to a term of imprisonment, had been sentenced to heavy fines, which they were unable to pay, and for which they had suffered a further long imprisonment, respectfully requesting the Court to submit the particulars of the cases to Government, with a strong recommendation in their favor from the Grad Jury.

The Recorder then expressed the thanks of the Court to the Grand Jury for their attention to the business brought before them. The Sessions were then dissolved.

EXECUTION.

At ½ past 8 o'clock yesterday Morn the sentence of the law was executed upon Reagan.

The circumstances attending this Murder are detailed in another part of our Paper and we have now only to record the final process of the law upon the criminal. and the behaviour he displayed upon the awful occasion.

The unfortunate man since his condemnation was attended to the very last with the greatest attention by the Revd. H. Davies; but we are sorry to say that we do not believe with any good effect. 'Till a late hour on Monday night the Revd. H. Davies with the Revd. W. Hall one of the American Missionaries, were with him in the Gaol. At ¼ past 7 o'clock of the morning of his execution Mr. Davies had resumed his visit and did not leave him till his last moments. At 4 minutes before 8 o'clock his irons were knocked off and he proceeded with the greatest indifference to the place of execution, accompanied by Mr. Davies. Upon reaching it he shewed no symptom of alarm at his approaching fate, and with his last breath denied that he was the perpetrator of the Murder. Upon the caffold he twice declared to the Clergyman and the Sheriff that Young was the man, and that he was near him when the fired the Pistal. A few minutes before the execution Mr. Davies attempted to draw his attention to prayer, but the criminal seemed to regard his pious endeavour with the utmost indifference. At 15 minute past 8 the rope was fitted ound his neck and the Platform being reved, the rope by some mismanagement give way and it was not till after it was re-adjusted that he was launched in eternity with little apparent pain to himself.

We publish under the head of Calcutta Intelligence an account of the proceedings which took place in the Supreme Court of Calcutta on the occasion of Mr. Arnot being brought up on a Writ of Habeas Corpus. The Report which we have taken from the Calcutta Journal we particularly recommend to the attention of our readers.

DEATHS.

At Bushire on the 20th ultimo Captain McLeod Resident at the Persian Gulf. Dr. Milward on the 12th, and of Mr. Sturmey of Bussorah on the 15th of the same month; these lamented deaths are stated to have been occasioned by fever.

Considering the very limited number of Europeans residing in the Gulf.' we did intend, for obvious reasons to let the first Ship to sail for England leave, before we published the names of the individuals, whose deaths we announced in a very general way in our last. The Courier has thought differently and published the names of the parties, and it would be useless in us now to delay doing the same.

It is with pleasure we are at length able to congratulate the public on the opening of the new Church at Poona on Sunday last. The sermon on this interesting occasion was preached by the Venerable the Archdeacon, and the appropriate topics of instruction and congratulation were naturally deduced, in an admirable and impressive discourse, from the words of the text (Exod. xx. 24) "In all places where I record my name, I will come unto thee and I will bless thee." After the sermon, a collection was made in aid of the Society for Promoting Christian Knowledge, and we are happy to state that it amounted to Rs. 695.

The building is chaste and elegant, and reflects the highest credit on the professional skill of the executive Engineer. It will contain about 700 persons, and is admirably calculated. from its commanding site and beautifull structuae, to be a lasting ornament to the station.

Bombay.

ARRIVALS.—Asst. Surg. H. Davies, 1st | 9th Regt.
Lieut. Sanderson 1st | 8 Regt N. I.
" Do Haggart, B. E. Regt.
Asst. Surg. Love, M. Establisht.
Lieut. and Qr. Mr. A. Hancock, 1st | 10 Regt.
Do ———H. Jameson 3d Cy.
Lieut. G Lloyd 1 | 4 Regt.
DEPARTURES.—Capt. M. S. Gallway 1 | 5 Regt.
Asst, Surg. S. Hathway Tanna Garison.
Ensign J C. Bowater 1st | Bat. 1st or Gr. Regt.
Lieut. A. R. Wilson A. D. C. to M. G. Wilson.
" C. D. Blachford H. Artillery.
" J. H. Wall, Pioneers.
Ensign J. B Bellasses.

NAUTICAL NOTICES, CHRONICLE and NAVAL REPORT.

Bombay.

ARRIVALS—NONE.
DEPARTURES.—Oct. 19th Ship Nerbada, Frances Patrick to Bengal 20 Brig Sylph, Thos. Skine, to the Isle of France.

PASSENGERS.

By Nerbada,—Capt. G. W. A. Lloyd, of the B. N. I. Mr.. Grason, late officer of the Ship Matilda, Mr. Murray, late officer of the Brig Nimrod late from Mocha, Capt. J. Emmott, late of the Ketch Fly.

SHIPS LOADING.

English..—Royal Charlotte, for London.
Layton, for ditto.
Lord Castlereagh, for ditto.
Carron, for Bengal.
Nurbada, for ditto.
Constance for Mauritius.
Kusrovie, for Bussorah.

Calcutta

ARRIVALS.—Sept. 21st. H. C. C. Ship Abberton, Capt. L. Percieval, from Downs 25th May.
Do. H. C. C. Atlas, Capt. Wm. Clifton, from London 1st May, and Madras 9th Sept.
Do. Arab Ship Brilliant, Abdool Kauder, from Madras 20th July, and Coringa 11th Sept.
DEPARTURES—13th Ship Ann and Amelia, Capt. Joseph Short, for London, via Madras..
19th Dutch brig Favorite, Capt. J. A. Goldie, for Coringa and West Coast of Sumatra.
20th Bark George, Capt. John Poulson, for Coromandel Coast.

Madras,

ARRIVAL.—October 2d, Ship Ganges, Captain John Cumberlege, from Spithead 12th June.
DEPARTURES.—September 27th Ship Kains, Captain H. M. Cunningham, for London
28th, Ship James Scott F. McKenzie, for Bombay.
Do. Brig Lion Captain T. W. Stant, for Masulipatam.

General Register of Marriages, Births, and Deaths.

Bombay.

MARRIAGES.

By special licence, at Asseer-Gurh in Khandeish on the 11th Oct. by Capt. C. J C. Davidson Bengal Engineers and Gn, Esq. Zouch Henry Turton Esq 11th B. N. I. to Ann the Doughter of Robt. Crump Esq. of Cumberton Gloucestershire.

At Surat on the 14th Instant, by The Revd Henry Jeffreys G. W. Anderson Esq. of the Honorable Company's Civil Service to Eliza second daughter of William Ironside Esq. of Houghton—le—Spring in the County of Durham.

Yesterday at St. Thomas Church Charles South, Esq. L. H. M. 20th Regt. to Miss Sophia Anne Alvarts.

BIRTHS.

At Raykote On the Morning of the 3d Instant, the Lady of Lieut. Worthy, Line Adjt. of a Son.

BIRTH.—On the 6th instant at Seroor, the Lady of Captain Barton of Artillery, of a Son.

At Poonah on Wednesday 15th instant, the Lady of Captain J. H. Dunsterville Assistant Commissary General, of a Daughter.

DEATH.

At Nanndoorah near Aurungabad on the Evening of the 8th October Lieutenant Michael Goldsmith of His Higeness the Nazims Artillery, he has left a wedow and or doing child to lament their loss,

After few months the lingering on the 12th instant, to the deep sorrow of Her Mother and sisters Ellen the youngest Daughter of Patrick Leitwitch late Marshall and Goaler of Bombay.

Could the tears of sorrowing Parents
Recall you to Life, those tears not wanting

At Bhooj on the 27th Sept. Lieut. Col. J. J. Smith Com'g the 1st Bat. 3d Regiment B. N. I. mueh regretted by all who had the pleasure of his acquaintance and not least by the Officers of his Battalion.

Calcutta.

MARRIAGES.—On the 16th September, at the Cathedral, by the Reverend D. Corrie, Mr. William Fawcett Pennington, to Miss Charlotte Cunningham.

On Wednesday, the 17th Sept. at the Cathedral,, by the Reverend J. Parson, George Proctor, Esq. Surgeon on the Honorble Company's Bengal Military Establishment to Eliza, eldest danghter of the late Col. S. Dyer.

DEATHS.—At Bhaugulpore, on the 7th September, Lieutenant Sheaver, of the 1st Regiment N. I.

On the 17th September, Capt. Edward Doveton, of the Madras Establishment and Aide de-Camp to General Sir John Doveton, aged 23, years.

On the 18th September, at the house of his Brother-in-law Mr. James Robertson, Mr. George Mowett, Indigo Planter, late of Kishnaghur; and on the 20th Sept. his Widow Mrs. Charlotte Mowett, aged 23 years.

Madras.

MARRIAGE.—By special License, at St George's Church, on Monday, the 29th Sept by the Revd. W. Thomas, Lieutenant Joseph Simmons, of H M. 41st Regt, to Matilda, the youngest Daughter of Wm. Rutter, Esq.

BIRTHS'—At Chittledroog, on the 3d September, the Lady of Capt. N. H. Hatherly, of the 1st Bat. 6th Regt. N. I. of a Daughter.

On the 17th Sept. the Lady of H. E. Woodcock, Esq. of a Daughter.

In Camp at Jaulnah on the 19th September, the Lady of Lieut. R. Gippings, of a Son.

At the Hyderabad Residency, on Monday, the 22d Sept. at 10 A. M. Mrs. S. Rousean, of a son,

At Masulipatam, on the 26th of September the Lady of Lieutenant Colonel Kenny, 1st Battalion 17th Native Regiment, of a Daughter.

DEATHS.—At Chittledroog, on the 22d September, the infant Daughter of Captain N. H. Hatherly, 1st Bat. 6th Regt. N. I.

On the 20th Sept. at Pursuwakum, Major Adam Brown, aged 53 years; most sincerely regretted by his affectionate family.

Calcutta.

SUPREME COURT.—CHAMBERS.

BEFORE THE HON. SIR FRANCIS MACNAGHTEN AND SIR ANTHONY BULLER.

FRIDAY, SEPT. 19TH.—About mid-day Mr. Arnot was brought up from the Fort, in custody of a serjeant, and agreeably to the summons on the writ of *Habeas Corpus*, produced before the Judges. As it had been announced in the newspapers, that the business was to be done *in Chambers*, not in the open Court, a general impression prevailed, that the proceedings would be entirely private, and no person admitted to hear them unless personally concerned. This, however, did, not prevent a great concourse of persons being in attendance, who were anxious to hear the result; and when it was afterwards found that the public were not excluded, as had been anticipated many regretted deeply the erroneous impression which had kept them away from these interesting proceedings.

The Judges having taken their seats in the large hall, appropriated to the Grand Jury, when doing business, the Barristers and Attornies connected with the case, and some others also, took their seats at the table placed about the centure; and the numerous audience of the inhabitants of Calcutta assembled, and ranged themselves around in the room in the most convenient situation they could obtain for hearing the proceedings.

And we must now express our regret for not being able to give a more full and perfect account of them, for reasons which are easily explained. Owing to the general impression above mentioned, that the proceedings would be perfectly private, none of the gentlemen who usually report for the Press, came prepared; and consequently having been taken by surprise when the pleadings began, and unprovided with either paper, pencils or other means, no notes were taken by them. We have, therefore, had to labor under unusual difficulties: but to ensure as perfect an account of the proceedings as possible, recourse has been had to every person present likely to afford any assistance; and from the joint labors, of the Reporter of the HURKARU and our own, this Report has been drawn up: which will account for its appearing in two papers, on the same day. In the most material part of the Report,—the opinions of the Judges, we have fortunately possessed an advantage which enables us to vouch for their accuracy; the Counsel for Mr. Arnot having, as is usually done, taken down notes of the judgment, with which we were obligingly furnished; and from them, together with the recollection of three or four different auditors, besides those of the Reporters of the papers named, every thing, at all material, has been preserved; and we think we may add very correctly represented. To ensure, if possible, still greater accuracy, the judgment of Sir FRANCIS MACNAGHTEN, was submitted to his Lordship with a hope, that he would consent to revise it but, under the particular circumstances of the case, his Lordship declined doing so. On the grounds, however, above stated, we can pledge ourselves for its correctness; although it cannor convey any adequate idea of the glow of feeling, and the force and energy with which it was delivered; nor impart in the reading, that sympathetic delight, with which it was heard."

Mr. TURTON appeared as Counsel for Mr. Arnot; and proceeded to state the grounds on which he would claim his discharge; but, for the reasons above stated, we can only give a mere skeleton of such of his arguments as we can recollect, without pretending to preserve strictly the order in which they were urged, or to give the words in which they were expressed. The learned Counsel began by intimating, that he had nothing to say as to the power of the government to transmit to England British subjects found in India without a license; his business being solely with the right of imprisoning such persons in the intermediate time between the order for their removal and their embarkation. Before entering farther into the question, he would observe that, although he had many objections to the Return made by Lieutenant-Colonel Vaughan to the writ of *Habeas Corpus*, yet, as he considered himself to stand upon other and stronger grounds, he would not adduce these objections unless he was driven to it: and therefore, in the meantime, he waved them entirely, reserving, however, the right of having recourse to them in case of necessity. He would, in the first instance, confine himself to the question of, whether, the government have a right, by Act of Parliament, to confine an individual whom they are about to send home? He would first state it as a principle fully recognised in English Courts of Justice, that as personal liberty was the natural right of every man, and not to be abridged, except for what the Common Law of the land has distinctly declared to be a sufficient cause; therefore no British subject could be deprived of his liberty without the express warrant of an Act of Parliament. A high legal authority (Mr. Justice Blackstone) had Bl. Com. I. 135,) stated the grounds on which the subject could be deprived of his liberty; and in the Great Charter itself, (or if he might be allowed to call it so the *Greatest* Charter,) of English liberty, it, was declared that "no freeman should be taken or imprisoned but by the lawful judgment of his equals, or by the law of the land." "The GLORY of the English law (said Sir William Blackstone,) consists in *clearly defining* the times, causes, and the extent,—when, wherefore, and to what degree, the imprisonment of the subject may be lawful." Bl. Com. III. 134). He lays it down as a rule, that the personal liberty of the subject so jealously guarded, being "a natural inherent right which could not be surrendered or forfeited, unless by the commission of some great and atrocious crime, and ought not to be abridged in any case without the *special* permission of law." Now to apply these principles to the 10th section of the 53d Geo. III. on which the commitment of Mr. Arnot is grounded by the government, we find that it simply gives them the power "to take, seize. arrest, and send on board a ship bound for England." There is no word about imprisonment: there is no warrant—no "special permission"—for his confinement. Therofore, all the confinement the government had a right to inflict, was, that which was necessary while conveying the individual on board the ship: and no more. The learned Counsel had heard, (for things of this kind in such cases as the present, would get abroad sometimes,) that he was to be met on the ground that, although the Act did not distinctly give to the Governor-General the power of imprisonment; yet, it was only natural to suppose, it contained within itself the power of its own enforcement; and that this was a power, therefore, necessarily arising from the Act itself, in which such imprisonment, it would be argued, is necessarily implied. But in opposition to such a doctrine, he would maintain, that such a power ought to be clearly and expressly given; otherwise, it cannot be assumed. There was no such power even hinted at in the Act: and no one had a right to suppose and supply what was not to be found there. At the time it was passed, the country was at war with France; consequently, fleets could only sail under convoy probably twice a year; and from the delay thus occasioned, there could seldom be opportunities of transmitting persons to England: perhaps once in six months. The legislature knowing this, and that if the power of imprisonment were given, individuals might be subjected to a long confinement, did not introduce

such a pover into the Act: they, therefore, did not intend the pe sons to be treated with such severity; thinking their removal to England hardship enough, without such an aggravation as suffering five on six month's imprisonment.

That such was the view of the legislature in passing this Act, is clearly proved by contrasting it with another of a similar nature; the Act respecting foreigners. In this they did contemplate such imprisonment; and the manner in which a foreigner shall be treated, is distinctly pointid out. Now, if the right of intermediate imprisonment was necessarily implied in the power to remove, why did they take the tronble to give it expressly in the case of foreigners? Does the English government with the advice and assistance of its law officers, pass acts for mere waste paper; stuffing them with superfluous and useless clauses, giving people powers which they must have possessed without them? The following is an extract from the act referred to:

"And whereas it is expedient that the several Governments in the East Indies should be enabled to prevent subjects of foreign states from residing or sojourning within the British territories there, against the consent of such Governments respectively; Be it further enacted, that it shall and may be lawful to and for the Governor General in Council, and to and for the Governor in Council or Chief Officer for the time being of any presidency, or of any place not being subordinate to any presidency under the Government of the united company of merchants of England trading to the East Indies, to cause notice in writing to be give to any person, not being a native of any part of the British territories in India or within the Limits of the charter of the said united company, other than such natural born subject of His Majesty's as may from time to time lawfully resort to, or reside in the East Indies, to remove himself or herself from such presidency, or from all or any part of the British territories in the East Indies, as may be deemed expedient within a time to be limited by such notice; and in case any such person shall not obey such notice then it shall and may be lawful to and for the Governor General in Council or Governor in Council or other Chief Officers, as the case may be, of the Place where such person shall be found, to cause such person to be apprehended and brought before the court of civil or criminal judicature, to the jurisdiction whereof such place may be subject; and upon proof being made upon oath to the satisfaction of such court by any credible witness swearing to his knowledge or belief, stating the ground of such belief that such person is an alien and the subject of a foreign state, and that such notice as aforesaid has been served on such person, either personally or by leaving the same at his dwelling house, unless such person shall prove that he is a natural born subject of his majesty authorized to resiue in India, or a native of the British Territories in India, or within the limits of the charter of the Company, for the making which proof, reasonable time and opportunity, shall be allowed by the said Court, such person shall be *remanded* by the said Court *into the Custody of the Governor General Governor or Chief Officer*, who shall, *as soon as may be*, cause such person to be removed *in such manner as his or her rank, state and condition in life shall require*, by the first convenient opportunity to the country or place to which he or she shall belong, if he or she shall be willing to go thereto, or otherwise to such country or place as the Governor General, Governor or Officer by whose authority he or she shall have been apprehended or shall be detained, shall be of opinion shall be most proper, *regard being had to the convenience of the person to be removed*, and the peace and security of the British Territories in the East Indies, and of the Allies of his majesty and the East India Company, and of any neighbouring princes or states; and in the meantime and until such person can be conveniently and properly removed, it shall and may be lawful to DETAIN *him or her in such Custody or under such guard as the Person by whose authority he or she shall have been apprehended or shall be* DETAINED, *shall see fit and necessary*, so as that the person detained may be put to as little inconvenience as shall be consistent with the object of his or her detention: and in case any such person, having removed him or herself in pursuance of any such notice, or, having been so removed, shall again wilfully return to any country or place from which he or she shall have had notice to remove without the consent of the Government or chief officer of the place to which he or she that so return, it shall and may be lawful to and for the Governor General in Council, or Governor in Council or chief officer of the place where such person shall be found, to cause such person to be apprehended and *detained in safe custody*, until he or she shall be discharged out of custody, upon such term and conditions as the Governor General in Council, Governor in Council, or other chief officer at the place where he or she shall be detained, shall deem sufficient for the peace and security of the British territories and of the allies of his Majesty and of the East India Company, and of the neighbouring Princes and states."—55 *Geo. III, cap.* 84 *Sec.* 6.

Was it possible (asked Mr. Turton) to imagine, that the legislature, having made such careful provision for the confinement of foreigners, with due attention to their comforts, would have been utterly regardless about the treatment of British born subjects? If it had meant the latter to be imprisoned, when found in India without a license, would it have made no provision for their good treatment? Would it not, in some manner, have mitigated or restrained the exercise of the power it granted over them? Or, was the English government, in consenting that its own natural subjects should be deprived of their liberty—to assign no limits to the exercise of this power, but leave them entirely to their fate, without any hope of relief?

Mr. TURTON also argued that Mr. Arnot could not be imprisoned in the fort, unless the act expressely authorised it; as it was an illegal place of confinement. If the Governor-General had the power of committing to a private prison and not to a public prison, the benefit of the 3 § 7, c 3 (certifying commitments) would be lost He referred to Acts passed against confining people to private houses or dongeons, to which persons might be hurried away, and shut up without an opportunity of communicating with their friendi; and as the keepers made no reports of their proceedings to any legal authority, a person might be immured, in this way, without any means of legal redress. He referred to a case decided in England, in which Mr. Fergusson, the present Advocate-General at this presidency, had adduced a very able and learned argument to prove, that a person was illegally confined in Coldbath fields on the ground that it was not a public prison. The Judges admitted the validity of the argument, and only decided against him on the particular grounds; that a certain Act of Parliament had rendered this a public prison; otherwise, the person must have been illegally confined.

Returned to the Act on which Mr. Arnot had been committed—he observed, that as it gave extraordinary powers, it must be strictly interpreted,—its meaning not arbitrarily extended. It appeared, by its preamble, that transmission was indeed for cases where no other punishment was required; a circumstance which alone suggested its being used leniently; the government were authorised to proced against individuals here without a license for a misdemeanor; and they might be punished by a fine not exceeding Sicca Rupees 2000, or imorisonment not exceeding two month. But, observed the learned Councel, as there may be cases when removal to England is enough, without any further punishment, the Government is then authorised to apprehend individuals in this predicament, and send them to England, when no further punishment is deemed necessary—not even *two* months, imprisonment deserved. Could the Act at the same time intend to inflict seven or eight months imprisonment, or more (for such it might amount to,) over and above the banishment to England. On the grounds stated, and others which, if necessary,—might be adduced from the Return, the learned Counsel concluded that Mr. Arnot was entitled to his discharge.

The ADVOCATEGENERAL then stated, that he appeared officially, in support of the Return made to this writ of *Habeas Corpus*. From the first mention of it, he had never entertained any doubt that the government possessed the power to imprison. If it had not this power, the person must be set at large, at once: and the Governor-General would be left without the means necessary for exersiing the authority vested in him by the Act for sending to the United Kingdom, British subjects found here, without a licensc. It would be absurd to suppose, that the legislature meant to give him such a power without giving also the means necessary for carrying it into effect. The analogy drawn between this case and that of aliens or foreigners, was inapplicable: because aliens were guilty of no offence by being in the country; whereas British subjects residing here without a license, were declared by the Act of Parliament to be committing a high crime and misdemeanour every day. The government was authorised to arrest and send them to England; and the power of detention, till they could be put on board a ship was clearly necessary for the exercise of that power. The learned Counsel then referred to a mannscript book, containing accounts of the proceedings in the Supreme Court of Calcutta, extracted and copied (he stated) under the superintendance of a gentleman very competent to the task, (Mr. Mercier, clerk of the papers). From this he cited a case decided in this Ceurt, when Sir Robert Chambers was Chief Juctice—than whom, he thought, an abler Judge had not sat on that Bench. Mr. Burroughs, Mr. Ledlie, (and others whom he named), all men of considerable abilities, were counsel in the case; and although all the arguments on both sides were not given, it appeared to have been fully canvassed, affording the grater security for a

mature and just decision. This was the case of Duhan in 1791, when a writ of *Habeas Corpus* was applied for: and a Return being made that he had been confined in the Fort by order of the Governor General the Court decided that it could not release him.

(The book contained a copy of the Return in that case: which Return Sir Francis Macnaghten pronounced to be manifestly bad and not supportable in law. It bore, we believe, that the person was to be kept in prison, unless he entered in security to quit the country.)

The ADVOCATE GENERAL then quoted the 5 h Geo. I. cap. 21, which confirmed the 9th and 10th of William III. forbidding people to trade to the East Indies without license under penalty of forfeiting the effects embarked in such trade, and double the value thereof; and it was settled that residence, wilhout license, should be construed into unlawful trafficking. In none of the Acts till the 53d Geo. III. was there any mention of the individual unlawful trading or residing being put "on board a ship bound to England." The words did not occur previous to this act. It gave to the Governor-General, the Governor of any of the Presidencies, the Chief Officer of the Company resident at any British Settlement, the Company's Council of Supercargoes at the Factory of Canton, &c. the power "to take, arrest, seize, and cause to be taken, arrested and seized," persons without a license, and to remit and send them to the United Kingdom "on board of any ship or ships of or belonging to or in the service of the Company." The power of confining them until they could be senton board such ship, was, the learned Counsel contended, necessarily implied. If not, how could the Act be carried into effect? When a person is ordered to be arrested and committed to jail: after the officers have laid hold of him, there must necessarily be some detention before he can be put into the prison. If it be at a great distance, perhaps twenty or thirty miles, they may find it necessary to stop somewhere on the road all night. This is imprisonment, but not unlawful: because necessary for the person being lodged ultimately in the place destined for his confinement. In the present case, such intermediate confinement was obviously accessary for carrying the purpose of the Act into effect. In the custody of his (the Advocate General's) friend Col. Vaughan, a gentleman distinguished for the urbanify of his manners, he was confident Mr. Arnot would receive every indulgence, consistent with hii safe detention. The clause of the act (104§) which the government had gone upon, was that which enabled them to send persons home without adopting any further procedings against them, and was evidently meant as a comparatively lenient measure. And the manner in which it was put in practice was favourable to the individual; for if they did not lodge him in the Fort, then they must put him on board a ship where he would be less comfortably situated. Now, if the Act conferred no power to detain, what was to be done during the S. W. Monsoon when none of the Company's Ships were ever dispatched!*

Suppose Mr. Arnot had been put on board of the OGLE CASTLE (lately obliged to put back) must he have remained there till she was again able to put to sea? And if the ship was condemned, what is to become of him? Must he not be lodged somewhere in safe custody. But if he can only be kept on board a ship bound for England, a ship may be bound for England, though in Kyd's dock; * must Mr. Arnot go there too, and have this head hammered to pieces (*a laugh*) until the carpenters are able to make her sea worthy? Would he not be very glad to exchange the smell of pitch and tar, with the noise of workmen, for a quiet lodging in Fort William with Lieutenant-Colonel Vaughan? In this view of the case, the mode pursued towards Mr. Arnot, was not only necessary for removal but the best for himself. The question was whether Government were bound to put him immediately on board a ship. He thought they were not, terms of the Act; which he maintained contemplated intermediate imprisonment. For in the 123d § it expressly mentioned the word *imprisoning*. It said,—

"That if any Suit of Action shall be brought or commenced against the said United Company, or any of their Servants, or any Person or Persons acting by their Authority, for the Recovery of any Costs or Damages, for the unlawful taking, arresting, seizing, *imprisoning*, sending or bringing into the United Kingdom, of any Person, or Persons found in the *East Indies* or other Part aforesaid, within the Limits of the said Company's Charter, or as not being authorized to reside or traffic there &c."

The words "imprisoning, *sending*," he contended, could not apply to the Captain of the vessel; and must therefore refer to the Governor-General or any others acting on the same authority instrumental in the individual's being *sent* out of the country,. He was ready to go as far as Mr. Turton, in saying, that there should be no imprisonment unless necessary for Mr. Arnot's conveyance on board ship; that there should be no superfluous delay on the way; but some detention was obviously necessary: and no attempt had been made to prove that, in this case more had taken place than was necessary. No ship of the description required, had sailed since his arrest, and he was entitled to be sent by the first. If it had not been the intention of the Act that he should be detained in custody till a ship be prepared for his reception, it would have said, he shall be "taken, arrested, seized, &c." PROVIDED *only* a ship of the proper description be ready to receive him on board and convey him to England. On these grounds the learned Counsel concluded that Mr. Arnot's detention was agreeable to the Act of Parliament, and legal; and that he must therefore be remanded to the Fort in custody of the Town Major.

Such was the tenor of the Advocate General's argnment, according to the Notes of it taken by Mr. Turton, and the recollection of the persons in Court; but in reporting Mr. Turton's reply, we have unfortunately no assistance whatever put our memory, and the account of it we can give, must be therefore very inadequate, to do justice to its merits, and to the side of the argument which he supported. According to the inpression on our minds, it was something to the following effect:—

Mr. TURTON.—My learned Friend has told us he never entertained any doubt of the legality of Mr. Arnot's imprisonment, Well, perhaps not. For I have observed, that in starting on a ease, he had a wonderful facility in getting rid of his doubts: the moment he embarks in it, he immediately heaves all his doubts over board, to render his argument the safer Nay he does not even leave enough of doubt to serve for ballast. He had also been less courteous than he usally is; for he has told me my argument is absurd.

The ADVOCATE GENERAL explained that he did, not mean to say that: for his learned friend, as usual, argued, very well; but in this case, his arguments led to an absurd conclusion.

Mr. TURTON resumed.—It is very easy for my learned friend to say that such a conclusion is absurd; or that the power of imprisonment is necessarily implied in the Act of Parliament. But I go upon the well known principle of the law of England, known to every one who has ever passed the threshold of an English Court of Justice,—that all penal statutes must be construed strictly; and that no man must be deprived of his liberty without *an express* authority from an Act of Parliament. In interpreting the sense of an Act, there must be no stretching of the meaning,—no supplying of supposed omissions, in order to trench on the liberty of the subject, further than is expressly authorized. The Advocate General says, that the power of imprisoning is necessarily implied. But where is the authority for saying so? On what acknowledged principle of law is such a construction but upon the Act? What legal dictum is there in favour of this latitude of interpretation We have heard of none. He has indeed cited a case decided in this Court in 1791. I do not care what was decided, unless I know the grounds and the principles upon which that judgment was pronounced. Not being made acquainted with these. I must still rest the question on the broad ground of the law of England; according to the principles of which, I maintain this imprisonment to be illegal, and not warranted. With all due respect to the authority of precedents, Judges are not infallible; or wherefore the number of new trials we see granted in England? After decision. the Judges see reason to deliberate forther on the subject, and the judgments are not unfrequently reversed. Notwithstanding, therefore, the high encomiums passed by my learned friend on Sir R. Chambers, he was by no means infallible. My learned friend, indeed, always has a very high admiration for those Judges and Lawyers who entertain the same opinions with himself. But I have no doubt that in examining that book (in MSS.) he has found many things to astonish him; and that he could put his finger on many passages, in the propriety of which he is very far from coinciding. I do not know what particular notions Sir R. Chambers may have entertained as to the liberty of the subject, or the power of the government. Sir William Jones, who also sat on the bench, was a great *Oriental Scholar*.

Sir F. MACNACHTEN—And a great stickler for liberty.

Mr. TURTON—Yes my Lord: but apt to be fascinated by talents. Now all the learning and eloquence of the bar might have been in favor of the imprisonment. I do not know what arguments were used on the other side: this

* *Note.*—This is a mistake of the learned Advocate, for the Company's Ships are dispatched even in the height of the Monsoon: it is not material however; for the argument, if well founded, would cut both ways.

* We should think this is not quite correct, because we understand that a Ship cannot properly be said to be bound for a Port, until she had actually entered the Customs for that place.

I know, that the decision was contrary to the law of England, as here established. The Advocate General considers the confinement of my client in the Fort, a *lenient* way of proceeding.

ADVOCATE GENERAL.—I expressed no opinion at all on the present case, further than that his imprisonment, in such a case was legal: and that in granting a power of sending him home without any further prosecution, the Act intended to be comparatively lenient; and that he may be more comfortable in the Fort than on board a ship, until the time that the latter is ready to proced to sea.

Mr. TURTON—Well, admitting that in the custoday of my learned brother's friends Col. Vaughan, my client may be more comfortable than on board a ship: nevertheless, as in the case of a person taken up by a bailiff, who may be willing to detain him in his own house instead of taking him to prison, the person in custoday may say: "It is true you have a commodious house, with agreeable company and a pleasant prospect; yet I don't chose to remain in it. Take me to my legal prison; for thore only will I be confined, however much it may bc inferior to your house." So my client may say, "I do not choose to remain in the Fort, I am willing to go on board a ship bound for England, and there only you are authorised to confine me." The intermediate confinement, unwarranted by the Act, is by no means necessary to enable the government to send persons an board a ship. But even if it were, the Court could not authorise what was not warranted in the Act: since they sit as Judges and not as legislators. If a magistrate were empowered by the statute to fine a person for a certain offeuce, but it did not go on to say, that in case of the offender failing to pay the fine, he shall be imbrisoned until he do so—then the magistrate would not have been warranted to inflict imprisonment upon him: and must content himself with awarding the pecuniary penalty, leaving it to be recovered in the best way it could.

The above is as much as we can at present recollect. Mr. Turton thought it unnecessary to take up their Lordship's time, by stating the many fatal objections which lay against the Return, and rested satisfied that on the grounds already stated on the principles laid down by Sir William Blackstone, and the greatest law authorities, that penal statutes must be construed stricly, that the personal liberty of the subject must not be abridged, unless there is an express warrant for it from the words of a statnte or the common law of the laind, the Court would order Mr. Arnot's release.

Sir FRANCIS MACNAGHTEN began by regretting, that there was little hope of a concurrence of opinion, between him and his colleague in office, on the subject before them. But (seid his Lordship) I think there must be something plain and distinct—something clear and express in the Act of Parliament—something which admits of no other construction, before the subject can be deprived of his liberty. If this principle be not adhered to, and preserved without any reservation or admixture of any thing else whatever, then I know of no security from the laws on which the subject can place reliance. I am well aware that, if the Governor General acting under the 33d of George 3d, or the 53d, send to England British subjects found here without a licence, we have no right to interfere. He is authorissd to do so by Act of Parliament; and whether that be a constitutional or unconstitutional act, with that—sitting here as Judges,—we have no concern. Nor have we any thing to do with the discretion or indiscretion, with which he may exercise that authority; nor with his regard to liberty or his regard to *ty*ranny. Therefore, I put this entirely out of the question. But the Act of Parliament, conferring such authority, gives no power of imprisonment. The word is not found, nor the idea touveyed in it at all. If the word "*detain*" even had been used, it might have afforded some shadow of an argument for this imprisonment, but we do not find even such a word in the act. Therefore the obvious and necessary conclusion is, that the Act has only one object: it gives the power to seize and remit to England, persons found here without a license, but confers no power whatever of imprisoning them. Many things have been introduced which were not necessary for the argument; as the 104th section of the 53d of George the 3d (on which the warrant of oommitment is founded) is alone necessary, and must by itself deoide the question. I do not deny that other acts may be referred to for illustration or analogy; but on this the question depends.

It may be said, that if the government has not a right to imprison, until a ship be ready, then a dangerous man may go abroad and do mischief in the intermediate time. So he may; and supposing the worst case, that he has the means and the desire of doing mischief, I say he may do all the mischief he can, subject always to the control of the laws, and to be punished for every illegal act he may commit; but no person has a right to prevent him by any precautionary measure. Such, I say, was the intention of the legislature in passing the act. For although, sitting here as Judges, we have no right to enquire whether an act be constitutional or unconstitutional; yet we are bound, as British Judges, to put upon it a constitutional rather than an unconstitutional interpretation; and were it liable to two constructions, where the right of the subject is concerned. we are bound to give it an interpretation in favor of liberty.

On this point, I wish to be clearly understood. To say, that we enjoy here the full privileges of the British constitution, is absurd. We enjoy no such thing. The idea of such liberty is absurd—is ridiculous. How can any man in his senses say, I will act as I choose, subject only to the laws, when he knows that he may be told, "You shall do nothing, you have no right to be here at all." To speak of British liberty then, existing here as at home, would be little less than frenzy. But the fewer the privileges we do enjoy—the more numerous and heavy the restraints imposed upon us—the more our liberty is narrowed, the more, I say, does it become incumbent on the Judges to guard, with greater strictness, that portion of liberty which remains to us?—for we have the less to spare.

With regard to the pretended neccssity of guarding against the mischief a part may do, before a vessel is ready for his conveyance to England, let us see what the legistature has done in another case very nearly related to this. When a person is residing in the country with a license, it can of course only be recalled on account of his own misconduct. Therefore, in such case, it is to be presumed, that there must be some cause which renders his removal a matter of public expedience. But even then, did the legislature empower the governor-general to seize and immediately imprison this public enemy, to keep him from doing more extensive mischief until he could be conveyed out of the country? No such thing:—He is allowed to roam at large for two months! Then in the other case, if any idle person happen to have come here from England, without thinking about the matter, or not knowing perhaps that a license was necessary, and thus be caught in the trap, and ordered out of the country without, perhaps, having committed any offence, or what is a mere *parliamentary* offence; can it be contended, with any shadow of reason, that he is to be imprisoned without any express authority? I say without having committed any offence,—not with reference to the particular circumstances of this case, which have induced the government to order Mr. Arnot's removal from the country; for I declare, I know nothing about them, and have nothing to do with them. But the government, by this mode of proceeding, have declined prosecuting him for a misdemeanor, and rested satisfied with his being removed. It is to be presumed, therefore, that he has committed no offence which calls for prosecution, and is removed merely for not having a license. In such a case, are we justified in considering him a dangerous man, who must be secured right or wrong, legally or illegally? Am I sitting here as a British Judge to put words in an Act of Parliament and supply its supposed deficiencies? and for what? why, to invade the liberties of the subject. Am I to say that such an expression was inadertently omitted, or such a power was meant to be given; and, on such grounds, agree to this person's being imprisoned, without any express authority from the statute? Sitting here as a British Judge, (and I hope I am not obliged to lay aside my feellings as a man), and viewing the case, as I hope I do, both as an English lawyer and as a gentleman.—I declare that my understanding and my conscience, will not suffer me to send back this person to the cell, or prison, or whatever it may be, in the Fort, where they have confined him. I hope Judges of this Court will never be swayed in their decisions, by any respect of person: nor, if in construing the laws they find two roads, pursue that most agreeable or convenient to men in power, merely because they know it to be so. I trust they will never, in any case, truckle to the government, ss I fear, those Judges have done. [As His Lordship pronounced these words in a very emphatic manner, he laid his hand upon the MS. book of cases from which the ADVOCATE GENERAL had quoted that of Mr. Duhan.] If such ever were the case, it would afford a cloak for every species of oppression. I would infinitely rather see the Court abolished, for it would then be a nuisance rather than a protection to the subject. I declare I should hope, in such a case, to see a public meeting of the inhabitants of Calcutta to join in a petition to Parliament, to recall its charter and put an end to it at once. This Court is supreme, and the moment one particle of this supremacy is forfeited, I trust the Court will be annihilated.

Suppose we were to remand this gentleman again to the Fort, I should like to know how long he is to be kept in custody? By this Return, on the extraordinary nature of which I must now remark, the government assumes a power to act as it pleases—to imprison him with any one

it likes. And by what authority? I know of none. The words "*to detain or imprison*" are not once used in the act; and am I to put a wore into the act to construe it by implication? I confess it would be some comfort, some sort of satisfaction, to me to find it stated in this Return, how long he is to be kept in durance, and whether for weeks, or months? But the return does not favor us with any information on this subject; it does not say *when* he is to be put on board a ship, or how long he is to remain confined in the Fort, Lord Holt refused to know that the City of London returned Members to Parliament; and on the same grounds, the Judges of this Court have no right to know that a ship will *ever* sail to England, and thus, he msy be confined for any indefinite length of time. Good God! is it to be tolerated that a British subject, after beiug shut up in this manner without any authority, is to be kept all this time, and as lohg as the government may think proper to keep him, in prison, without bail or mainbrize? Can this be done under English laws, for any thing but felony or treason? But the Act which is assumed as the warrant for this, applies equally to Bombay, whence the Company never have a ship bound directly to England. Then are we to put a forced and unwarranted construction upon the Act, by which a British subject for merely being in India without a license is to be condemned to perpetual imprisonment? The idea is monstrous.—But if the Governor-General ever had the power to imprison him. Ishould say, that he might be bailed; because if they prosecuted him, even at home, then he is to be committed, only IF NOT BAILED.

I do not know what feeling this person's release may excite, but if a general feeling of satisfaction or congratulation should prevail at his release, I see no reason why the government should not participate in it.—The Governor General himself, in my opinion will not be offended at not meeting with unlimited submission to his wiil, knowing that such blind compliance must necessarily impart weakness and instability to his own power.—Convinced, by experience of living under a constitutional governmet, of the eminent advantage of every one being secured in the full enjoyment of his rights; he must rather be pleased at seeing the liberty of the subject protected. I am not intimately acquainted with his Lordship, who has lately arrived amongst us; but I naturally ascribe these sentiments to him as a British nobleman.

My principle is, that if the words of the Act of Parliament are not clear beyond a doubt in coonveying the power to *imprison*, then we ought not, by so stretching its meaning, to curtail the liberty of any man.—We ought, (though I do not speak of this as a constitutional act: I care not whether it is or no—but this I do say) —we are bound to give it a constitutional, rather than an unconstitutional, construction. It does not empower the government to imprison; and although it may be said that in the Fort, in the care of such a gentleman Col. Vaughan, this individual will experience all the indulgence, which that officer can extend to him, and no one who knows him can doubt it; yet, in depriving a man of his liberty, you take away that from him which is necessary for his happiness. It is in to talk of the pleasantness of this place, or the other; he is no longer master of himself: and this alone is enough to make him miserable. What more, I ask, can any tyrant do, than make his victims miserable; It is true you may put him on board ship, and keep him there in charge of the captain, but I should think the wooden walls of the vessel a sufficient prison. They could not confine him to his cabin, or keep him in fetters. Nay, I think him entitled, by the terms of the Act which provides for him a good and sufficient vessel—to one of the Company's ships—to the best treatment and accommodations. And when the ship reaches England this gentlam is immediately entitled to his discharge from the vessel at the first place where she is safely moored; and is at liberty to go where he chooses. Not conditional term of imprisoment, is to be tacked to the end of the voyage. And is imprisoument less a hardship in the East Indies, than in England? Is it of less consequence to a British subject here? Is the society in this country less consoling to his feelings, or iess necessary to his happiness, than in Europe, that we should thus trifle with his liberty? On every principle of law,—of reasson,—and of justice then, I declare it to be my decided opinion, that Mr. Arnot be discharged.

Sir ANTHONY BULLER then dolivered his judgment, as nearly as could be collected, to the following effect. He sat out by expressing his concurrence in the regret experienced by the Senior Judge, at the difference of opinion that had arisen between them; but he deemed it necessary, to state the grounds of his dissent from his colleague, that they might not be hereafter, misconstrued. He had, when he first heard of this matter, been of opinion. that the government had acted wrong; but after material doubt, aud a referrence to the case of Duane cited by the Advocate-General, he had come to the opposite conclusion. He had some doubt whether the Judges had power in this case, to bail the party; but that was not a question now before the Court. If the government had the power in 1791, they had it, his Lordship thought, now. In the Act of the 53rd of Geo. III. there were the words "Company's ship bound to Eugland," whic were not in he Act of the 33d; but he did not think that this introduced any loss of privilege, thought it might unintentionally have done so. Unfortunately the legislature had not recollected that no such ship might sail for some time after the removal of an individual from the country had been decided on. He thought that the object of the Acts was to give the power of exercising such aurhority to send home persons, circumstanced as the party in this case was. The governments of India, had the power under former Acts of seizing, taking, and detaining for the purpose of sendilg to England British subjects residing here without a license, in order to prosecute them for a misdemeanour: and it was not contended that they had not the power now, for the purpose of conveying when the ship was ready, a British subject so circmstanced—for it was admittsd that they might arrest. and seize him and carry him on board of her. He, Sir Anthoney Buller, thought therefore, that this authority implied the power to detain till the ship was so ready; and that, consequently, Mr. Arnot was not entitled to his discharge.

Mr. TURTON then applied for the decision of the Court, when Sir FRANCIS MACNAGHTEN ordered Mr. Arnot's immediate release.

Aware as we had been that the rising settlement of Singapore had many claims to the fostering care of British power, yet we have just perused a little work that gives and additional force to those claims, and an impressive magnitude, that certainly we were not quite prepared for, but which by the able and strong light in which they have been placed in that work, will, we anticipate, carry conviction home to every one who peruses it. The work in question is a pamphlet printed at the Mission Press Malacca, aud entitled "FORMATION OF THE SINGAPORE INSTITUTION." As most of our readers never can have heard of the Singapore Institution, we select the following extract from the pamphlet as referring to it.

At a Meeting of the principal Inhabitants of Singapore held at the Residency house on the 1st of April, 1823. The Hon. Sir T. S. RAFFLES, Lieutenant-Governor of Fort Marlborough and its Dependences presiding.

Sir Stamford Raffles stated, that he had convened the present meeting for the purpose of laying before the public the arrangements which he had adopted for the Establishment of an Institution at Singapore, having for its object the cultivation of the languages of China, Siam, and the Malayau Archipelago; and the improvement of the moral and intellectual condition of the inhabitants of those countries.

He observed, that he had for many years contemplated the advantages which might arise from affording the means of education to the inhabitants of the Malayan Archipelago, and that shortly after the establishment of the British Government in Singapore, he had suggested a plan for attaining this object by the establishment of an institution of the nature of a Native College; but that from political and other circumstances, the establishment of the proposed institution had been delayed till the present period. That providence however had recently brought to these shores that excellent and good man Dr. Morrison, the founder and president of the Anglo-Chinese College at Malacca; and that, in concert with him, a plan had now been adopted and decided upon, for removing that College to Singapore, and uniting it with the proposed Malayan College, under the general designation of the "Singapore Institution."

The pamphlet includes a Minute that was submitted to the meeting by Sir STAMFORD RAFFLES. We regret our inability at present to give it to our readers, not merely on account of the great information it furnishes respecting countries and people little known, but for the elevated, liberal, philosophical, and philanthropic spirit it breathes throughout. The following is an extract from the introductory part of the Minute:—

The acquisitions of Great Britain in the East have not been made in the spirit of conquest; a concurrence of circumstances not to be controuled, and the energies of her sons bare carried her forward on a tide whose impulse has been irresistible. Other nations may have pursued the same course of conquest and success, but they have nor like her paused in their carcer, and by moderation and justice consolidated what they had gained. This is the rock on which her Indian empire is placed, and it is on a perseverance in the principles which have already guided her that she must depend for maintaining her commanding station, and for saving her from adding one more to the list of those who have contended for empire, and have sink beneath the weight of their own ambition. Conquest has led to conquest, and our influence must continue to extend; the tide has received its impetus and it could be in vain to attembt to stem its current, put let the same principles be kept in xiew, let out minds and policy expand with our empire, and it will not only be the greatest but the firmest and most enduring that has yet been held forth to the view an I admiration of the world. While we raise those in the scale of civilization over who in the influence of our empire is extended, we shall lay the foundations of our dominion the firm basis of justice and mutual advantage, instead of the uncertain and unsubstantial tenure of force and intrigue.

Such have been the principles of our Indian administrations wherever we have acquired a territorial influence; it remains to be considered how they can be best applied to countries where territory is not our object, but whose commerce is not less essentially to our interests. With the countries East of Bengal an extensive commercial intercourse has always been carried on, and our influence is more or less felt

throughout the whole—from the banks of the Ganges to China and New Holland, Recent events have directed an attention to these and in a particular manner to the Malayan Archipelago, where a vast field of commercial speculation has been opened, the limits of which it is difficult to foresee. A variety of circumstances have concurred to extend our connexions in this quarter, and late arrangements have added much to their importance and consideration. Our connexion with them however, and stand on a very different footing from that with the people of India; however inviting and extensive their resources, it is considered that they can best drawn forth by the native energies of the people themselves, and that it is by the reciprocal advantages of commerce, and commerce alone, that we may best promote our own interests and their advantage. A few station are occupied for the security and protection of our trade, and the independence of all the surrounding states is not only acknowledged but maintained and supported by us

Those industrious and enterprising people the Chinese, it seems, emigrate into every quarter of the Eastern Archipelago; but it is in Borneo that they are to be found in the greatest numbers, where the valuable gold and silver mines have offered a powerful inducement to their establishment. We cannot here resist the temptation of making another extract from the Minute of Sir STAMFORD RAFFLES:—

From the review now taken it will be seen how varied is the population of this Archipelago both in character and employments, and that it consists both of agricultural and commercial classes, of different ranks in the scale of each, from the wildest tribes who seek a precarious subsistence in they whods and forests to the civilized Javan who as drawn forth the riches of his unequalled soil and made it the Granary of these Islands: and from the petty trader who collects the scattered produce of the interior, to the Chinese capitalist who receives it from them, and disperses it again to more distant regions. Situated between the rich and populous Continents of China on the one hand and India, on the other, and furnishing to Europe the means of an extensive commerce the demand for the produce of those Island is unfailing, and that produce is only limited by the extent of the population. By means of the variety of its tribes their intermixture and connexion with each other, and the accessible nature of the Coasts washed by the smoothest seas in the world, while large and navigable rivers open communication with the interior, the stiumulus of this commerce propagated in successive waxes through the whole, and the inexhaustible resources of the Country are drawn forth in a manner and to an extent that could not otherwise have been obtained. Each is dependant on the other and receive and communicates a portion of the general activity. Thus the savage and intractable batta collects and furnishes the Camphor and Benjamin the spontaneous produce of his woods, the equally barbarous Dayak and wild Harafura rausacks the bowels of the earth for its Gold and its Diamonds, the inhabitants of Soolo seeks for the Pearl beneath the waters that surro and him and others travarse the shores for the Tripang or Sea Slug, or descend into its rockey caverns for the Chinese luxury of bird's nests. Ascending from these we find the more civizlied Sumatran, whose agriculture is yet rude, employed in the raising of pepper, the Native of Maluccas in the culture of the Nutmeg and the Clove, the still higher Javan and Siamese besides their abundant harves of Rice, supplying Europe with hear Coffee and Sugar, and all impalied and set in motion by the spirit of commerce. Not less varied are the people who collect this produce from all these different quarters till it is finally shipped for Europe, India and China, from the petty bartering trader who brings it from the inteir or to the ports and mouths of the rivers, the Malay who conveys it from port, to port the more adventurous Bugguese who sweeps the remote shorse to conduentrate there produce at the Emporia, to the Chinese merchant who sends his junks laden with this accumulated produce to pe dispersed thro' the empire of China and furnishes Europeans with the cargoes of their ships. Through the same diverging channels are again circulated the manufactures of India and Europe, and thus a constant intercourse and circulation is maintained through the whole. How much this intercourse is facilitated by the nature of the countries, broken into innumerable islands may be readily conceived, and the vastness of the field may be inferred from the extent to which its commerce has actually been carried *under every disadvantage of monobolizing policy and* of insecurity of person and property by which the condition of the people has been depressed and their increase prevented. When we consider that they are placed at the very thereshold of China, a country overflowing with an enterprizing and indistrious population anxious and eager to settle security and protection is afforded, that it last people who have chiefly contributed to maintain and support the energis of the native population and have diffuses the stimulous of their own activity wherever they have settled, and that protection only is wanted to accumolate them in any numbers, to create it may be said a second China the resources and means of this extraordinary. Archipelago will appear without limits.

Viewed in this light. Borneo and the Eastern Islands may pecome to China, what America is already to the nations of Europe. The superabundant and overflowing population of China, affords an almost inexhaustible source of colonization, while the new and fertile soil of these islands offers the mean; of immediate and plentiful subsistance to any numbers who may settle in them. How rapidly under such circumstances these colonies may increase in population where the climate is at least as congenial to the Chinese as that of America to. Europeans, may be readiiy conccived from the experience which the latter has afforded. The wealth of teeir mines and the extent of their own native population added to the greater proximity of China, are advantages which were not enjoived by America, and must contribute to accelerate the progress of of colonizatiou.

A scene like this cannot be viwed with indifference by the philosophic and contemplative mind; the diversified form in which the human character is exhibited, the new and original features which it displays, and the circumstance which have retrined or accelerated the developement of our nature in these extensive and remote regions, offer sources of almost inexhabsible enquiry and research, while the obsequrity which darknes the original and early history of the people the peculiarity of their languge, laws and customs, and the vestiges which remain of a higher state of the arts and of learning, offer in a literary and scientific view pursuits of no less interest than importance—Placed as we shall be in the very centre of this Archbilago, the life and soul of its extensive commerce, and maitaining with its most distant parts and with the adjacent. Continent a constant and rapidly increasing intercourse, the means are afforded to us above all other nations of prosecuting these studies with facility and advantage.

After the extracts we have made, we are sure that the importance of providing the plessings of education, and through it of Christanity, to the various tribes, who people the Eastorn Archipelago caanot but be forcibly apparent to our readers. To bring about the consummation is the object of the Singapore Institution, which, in general terms, may be saide to consist of two Colleges—an Anglo-Chsnese Calloge, and an Anglo-Malayan College. Both are to be under the general care of patrons and trustees. The Revd. R. MORRISON is Principal of the Anglo- Chinese, and the Revd. G. H. THOMSON Principal of the Anglo-Malayan College. Professors have also been nominated for teaching various branches of European education, including naturalphilosophy &c. To that truly excellent man, the Revd. Dr. MORRISON, we conceive that the original merit of instituting this interesting seat of learning this Eastern Iona belongs. With such a learned and good man to superintend the practical details of the institution, and with such an active, liberal, had zealous patron as it has got in Sir STAMFORD RAFFLES, we doubt not but it will thrive, and be the means of civilising vast tracks, and making the British name more powerful upon Earth. Snoscriptious had been entered into to the Eastward for the Institution. J. PALMER and G. J. GORDON, Esquires, of this city, are, we observe, the agents for the Institution in Bengal. We regret extremely that our time and limits, and our not bring permitted to divide the pamphled in o parts forther printer, prevent our being more full in our extracts or ren a ks.

THE OBJECTS OF THE INSTITUTION ARE.

First, To educate the sons of the higher order of native and others.

Secondly, To afford the means of instruction in the native languages to such of the company's servants and others as may desire it and.

Thirdly, To collect the scattered literature and traditions of the country, with whatever may illustrate their laws and cus oms, and to publish and circulate in a correct form the most important of these, with such other works as may be calculated to raise the character of the Institutiion and to be useful and instructive to the people.

The College will be supported by voluntary subscriptions and endowments, by the fees which it will derive from Students, and by the profits from the press and the cultivation of the College ands.

The India Gaz. Sept. 25.

English News.

PARLIAMENTARY INTELLIGENCE.

HOUSE OF COMMONS,
APRIL 29.

ADJOURNED DEBATE ON FOREIGN RELATIONS AND POLICY.

After the Order of the Day had been read for resuming the Adjourned Debate on the late negociations,

Mr. W. WHILMORE rose, and stated that his object in trespassing a short time on the attention of the House, was to explain the motives which influenced him in giving the vote he intended on the motion before the House. In stating those reasons, he should not say that it was the policy of this Country to embark in war, still less that it was her Policy to hold out a menace, which it was not her intention to follow up. His decision was not founded on either of these considerations, but it was founded on the fact, that thorough the whole of those documents which had been submitted to Parliament, he was wholly unable to discover one proofs of that sound, open, manly and dependent feeling, which became Great Britain, against the atrocious aggression contemplated by France against the freedom of Spain [hear, hear!]. It was not his intention to go thorough the details of that Correspondence, but looking at it as a whole, he must say that the Right Honourable Gentleman and his Colleagues appeared, with respect to France and Spain, not in the character of neutrals, but, unfortunately, as the allies, or, at least, the apologists of France [hear, hear, hear!]. Wherever a wrong was committed by that Government, the British Ministry was certain to find an excuse for them, We furnished them with explanations which they themselves never contemplated. What, for instance, was the necessity of our Plenipotentiary admitting at Verona that the conduct of the Spanish Government might have endangered the safety of other Countries, and might have excited the uneasiness of the Governments whose Members he was addressing? All that might be true; but he did not see the necessity of such a gratuitous admission. With respect to the state of relations as existing between France and Spain, without reference to the larger question, it seemed as if our Ministers had pointed at something which which the French Government never thought of. With the exception of the obstacles given to the Sale of mules, as stated by M. Chateaubriand [alaugh], he did not know of a single ground advanced by France. Then came the King of France's speech. It appeared so plain, that no man could mistaken its purport; it was reserved for the peculiar ingenuity of the British Minister to discover a double meaning. Looking, as he before observed, at the whole of the negociation, he could not help arriving at the conclusion, that the British Government viewed the cause of France more as their own cause [hear!] than that of Spain. He felt himself called upon to add a few words as to the Holly Alliance, because he was that night about to give a vote which might otherwise appear consistent with that which on a former occasion he had given with respect to the question of Naples. On that occasion he had voted with his Majesty's Ministers, and never had felt a more unceasing regret than he did for having so voted. It was, however, his honest Conviction at the time

[hear, hear, hear], but he repented of that decision now, because he considered that interferance with Naples as the commencement of that system, the progress of which would, he feared, be the most fatal to the interests and hapiness of States, that ever got into the heads of Kings and Emperors, [hear, hear]. It was altogether subversive of the rights of independence, incompatible with all the acknowledged principles of national law, and had, he feared, got such an ascendency at present that like all men feeling their strenth. these Sovereigns would begin to abuse it; and though at first restricting their attacks to Governments where there was an excess of popular freedom, would in the end direct their attacks against every free and constitutional institution [hear, hear]. From aggressions on free Constitutions the next transition in the plenitude of power would be to territorial aggrandizement. It might be said in answer to such apprehensions, that the joined of each Power would reciprocally secure Europe from such aggrandizement. Had those who confided in such a security never heard of Coalitions for the purposes of partition [hear, hear!]? Was it to be expected that in the plenitude of power the Sovereigns of the Holly Alliance would stop short in their career? History had recorded the policy of one great northern Power. Wherever the ambitious Catherine had determined to realize her views of territorial aggrandizement, whether in Sweden or Poland, it was her covert policy to embroil in war adjoining States. When those great Powers, Russia and, Prussia, combined for selfish, purposes, it was easy for them to produce revolutionary movements in any State. in order to give a colour, on the principle of the *casus fœderis*, for their appropriation of its soil. He had wished for the opportunity of stating his conviction, not that the country ought to have engaged in war, but that it should have manisfested a manly and independent feeling the moment the object of France was discovered. That determined tone it was now too late to expect from Ministers; but he trusted it would be manifested by a strong division of that House, and by a loud expression of the public voice—a determination which we were prepared to uphold, at whatever risk and under every peril, in supporting the cause of the aggrieved and the oppressed against the oppressor [hear, hear!]. For the free, though weaker States, Great Britain ought to be the rampart against the aggressions of the powerful and the unprincipled. Though solicitors for peace, he still was convinced we possessed spirit and resources to carry us thoug any vicissitude, with honour and security [hear!]

Mr. DESBROWE adverted to the Circular addressed by the late Marquess Londondery to the Allied Courts, and contended that, after that declaration of our intention, we could not have pressed our remonstrances further unless we were prepared to assume a high and dictatorial tone, which must have terminated in war.

Captain MABERLY would not have offered himself to the attention of the House were he not most anxious, on a question embracing such great principles, to state the impression under which he should give his vote. He was one of those who felt considerable dissatisfaction at the whole tone and character of these negociation; he considered that both in the manner in which the commenced, and in the conclusion in which they terminated, they were wholly incompatible with the honour, the dignity, and policy of this Country, and had more deeply committed our eventual interest than those who conducted them even now imagined. He should touch but lightly on the details, of these documents, contending himself with obseving, that it was impossible to account for the manner in which the British Plenipotentiary met the communication of the hostile intention expressed against Spain. To that communication the Noble Duke should have answered in stronger terms of reprobation. That, whatever might be the inclination of Honourable Members, he felt to be the general feeling of the House, as it was most unequivocally that of the country. Indeed no man who had spoken on the question, had the assurance to advocate the very mild tone that the Noble Duke had adopted. Was it not a most natural expectation, after the declaration the Right Honorable Secretary had made of his fears, that the meditated aggresion of France would embroil Europe in war? After his avowal, that in order to prevent that calamity he looked forward with the greatest solicitude, was it not, he (Mr. Maberly) repeated, most natural to expect, that the Noble Duke should have been prepared to meet the hypothetical proposition of the French Minister, with stronger language than was put forth in papers before the House [hear!]? Was it sufficient under such circumstances to satisfy himself with the statement that the King would be no party to such a proceeding, or to that no course remained but to limit his Majesty to the tender of his good offices to allay the irritation that existed between France and Spain? —Good offices forsooth! Could we consider these good offices, to stand cold and insensible spectators of the grossest injustice and most aggravated injuries that one nation could commit against another, [hear, hear]? With equal propriety might we tender our good offices to allay irritation when we saw one individual proceeding to commit an unprovoked outrage against an unoffending person. It was idle to say, that if we possessed the inclination to exert it, our influence and interposition would not have been successful. The manner in which France, or rather the ruling Power in France conducted itself towards Portugal, was as decisive proof that if the English Ministry interposed sincerely for Spain, equal success would have followed the exertion. He knew it had been stated, that the distance of Portugal from France precluded any danger to the latter from the influence of the Portuguese revolution. That was merely a pretext, but what he would ask was the real cause. It was because the ruling Power in France well know that Great Britain was bound by treaty in a defensive alliance with Portugal, and that if France attacked her, she must prepare to contend with the power, the influence, and physical force of Great Britain [hear, hear, hea!]. That was the real ground of French hesitation with respect to the Portuguese, and in adhering to that resolution, both the Government of France and the Members of the wholy Alliance abandoned the principles on which they justified the aggression against Spain. Spain, it would be recollected, in her regeneration, adopted no new theories of Government. In re-establishing her institutions, she found the precedent in her ancient history—she adhered, after the revolution, to the Constitution which Russia years before had recognised, and which Gref, Britain had guaranted. All that could be pleasad against her by the advocates of those Sovereigns wast that her re-establishment was brought about by the patriotism of the Spanish army. How stood the comparison with regard to Portugal, after her revolution? Portugal had no free constitution, there was no predent in her history of free institutions. Her new constitution had never been guaranted by either Russia or Great britain, and above all, the alteration had been effected by what was called military insurrection. If therefore there could be found a justification for interference in the concerns of a foreign State, on the principles of the Holy Alliance, it was against Portugal rather that Spain it was to be expected those principles would have been carried into actor [hear, hear, hear!] But then the distinction was this, and if was decisive of the argument, that Portugal was shielded by the force and influence of Great Britain [cheers]. Respecting the possibility of inducing Spain to yield to any modification of her Constitution, he (Mr. Maberly) must say, that above all men, the Duke of Wellington ought to have been impressed with the persuasion that the pride, the haughtiness, the obstinacy of Spain, would not allow her to yield to the menaces of foreign dictation. But it was to be hoped the exertion of the good offices of Great Britain would effect that modification [hear, hear, hear!]. Were these good offices so applied in order to induce Spain to accede to the *sine qua non* of the ruling party in France? Was not that *sine qua non* the institution of another Chamber? Why was not the Chamber adopted in 1812? It was not adopted, because the people of Spain well know that they had not the materials for such a Chambers and that by a fundamental law of the Constitution, they were prevented from making any alteration for a given time. Supposing, however, that the Spanish Cortes was willing, and that the law did not oppose the modification, had not the ruling power in France, for he wished always to distinguish it from the people of France, gone the length of stating how that modification was to be carried into effect. Was it not proposed that the King should nominate the Council of State, and that the Council of State should compose the Second Chamber [hear, hear, hear!] Every member of the Cortes knows, that in accepting such a modification, he was compromised [hear, hear!]. Every man of them know that one and all would be implicated as authors of the Revolution—that the very act of giving the King of Spain the power of nominating the Council of State, was as to themselves the sacrifice of life or personal liberty—that they might as well at once lay their heads upon the block [hear hear!]! or prepare for their destruction, condemned as galley slaves—or doomed to the Inquisition of Valencia—or to pass the remainder of their lives in degradation and servitude in the Proesidous of Africa [hear, hear!]. That was his particular opinion—acquired from good sources of information on the spot. Whatever hopes might have previously existed as to the hopes of pease, he knew well frm the moment the King of France's Speech was announced, all subsequent negociation was wholly fruitless. Every man then residing in the Capital of France—every man, who attended to pasing transactions, or took an interest in the great question at issue, was from that moment convinced that war was certain [hear,]. It was absurd then to have supposed that placing the documents on the table, taking the sense of Parliament at an earlier period would have frustrated the hopes of a successful mediation. Every attentive observer saw clearly the objects which the ruling Power of France, most crearly contradistingoished from the People of France, proposed to themselves—their object was to rainstate themselves in their last privileges—to restores their feudal immunities and tithe—claims, and with the hope of securing that repossession they felt truly that the services of the army were essential [hear. hear!] That army was to be attached to them by the opportunity which war afforded of conferring honours, rewards and promotion [hear! hear!]. Here was the real discovery of the views of the French Ministry. The Law of Election had placed in their hands the whole of the legislature power—the iniquitous law against the Press, which, for an infidelity in reporting, consigned a man to two years imprisonment for the first offence, and the suspension of his journal for the second, destroyed all the checks which public opinion might interpose, the extinction of the trial by jury, and the survivor of its power to judges whose adequate salaries made them the creatures of hope and fear—all these violations of the liberties of France prepared the way for the last and grand effort, when the army was to be made the instrument of extinguishing all that remained of the freedom of their institutions, and restore to the *Emigres* property, privileged, and thither [hear!]. With respect in the probable fate of the Spaniards in this contest, it was impossible for any one to form an opinion. Hitherto they had gone on as well as their most sanguine friends could expect,—Those who possessed property in the line of mach of the French army had abandoned it to the invaver But whether the French were succesful our situation would be equally embarrassing. If successful, our own liberties would next stand the siege. If unsuccessful, the armies of Austria and Russia would be advanerd, in order to put down all liberal principles.—Into the contest we must under such circumstances enter, unless we choose to the all those principles put down, and with them our own Constitution, if the Continental Powers dare attempt the enterprise. He apologised for having intruded his opinions on the House, and concluded by saying that he must vote for his Honourable Friend's motion, because he thought that in the whole of the negociation his Majesty's Ministers had by no means conducted themselves in a manner correspondent with the dignity and station of this country; and because they had thereby placed us in condition more nearly resembling a temporary cessation of hostilities than a permanent and durable peace.

Mr. CURWEN said, that when he and his Honourable Friends near him had been for two years complaining of the distress of the country, he did not see how they could now consistently blame his Majesy's Ministers for having endeavoured to avoid war [hear, hear, hear!]. He really thought that under such circumstances his Ministers had a right to expect that their negociations should be looked at with a favourable eye. He and others might have wished for a stranger expression of feeling in those negociations! but he really believed, that if there had been that stronger expression of feeling on our part, it would not have prevented the attack on Spain: while it might probably have risked our own neutrality. An Honourable Friend of his near him, had said last night that the majority of his constituents were ready to incur any difficulties to carry on a war in support of Spain [no, no, no!]. So he understood his Honorable Friend. Now he (Mr. Curwen) must say that his constituents desired no such thing [hear, hear, hear!]. He firmly believed that their opinion was the opinion of the country at large; and although no man could doubt that the conduct of France was generally execrated, and the cause of Spain generally wished well to, yet the idea of our going to war was as generally considered a very awful thing. He should not have acted honestly if he had not thus frankly spoke

his sentiments, and he should certainly give the Amendment of Honourable Members for Yorkshire his cordial and hearty concurrence [hear, hear, hear!].

Mr. HOBHOUSE, in explanation, denied having said that the majority of his constituents were desirous that the country should now go to war. What he had said was, that if his Majesty's Government had entered as strong protest against the proceeding of the congress at Verona, and in consequence of that protest had been obliged to go to war, the majority of his constituents would have been prepared to submit to any privations to which such a course of policy might have led; but he had qualified that assertion by adding that it must have been clearly understood that it was a war for the liberties of Europe;—that it was war of the people of Europe against the Kings of Europe [hear, hear!

Mr. ROBETSON was certainly for preserving peace, if possible; but not such a delusive peace as the present. In looking at the negociation it was evident that the voice of this country, once so commanding, had been wholly unattended to. In fact, his Majesty's Ministers had thrown away the powers of this country in a negociation conducted with a reference to private felling.—They seemed totally to have forgotten how any step on their part to conciliate the member of the Holy Alliance had on former occasions been met. They seemed totally to have forgotten, that when to please the Emperor of Russia we reduced the duty on timber imported from that country, the very next years the Emperor imposed new duties on English produce importted into Russia. He was perfectly satisfied that if, in the Marquess of Londonderry's Declaration previous to the occupation of Italy by Austria, instead of simply stating that this country would not be a party to that proceeding, he had taken a different tone and declared not only that the proceeding met with our disapprobation, but that nothing but our distance from the scene of action prevented us from interfering to prevent it; neither France nor any of the Allied Powers would ever have ventured to attack Spain, Adverting to the negociations at Verona, he must say, that the Duke of Wellington, a soldier from his birth, was very unfit to cope with individuals who ever accustomed to speak a language which was not that of truth. It was perfectly unnecessary that the Noble Duke should have stated so openly, that this country was determined on newtrality. He need not to have advanced that statement, but might as well have kept it in his own breast, he should vote for the original motion.

(To be concluded in our next.)

SINGULAR RECOVERY OF A FEMALE UNJUSTLY EXECUTED.

The following account of the case of a poor girl who was unjustly executed in 1766, is given by a celebrated French author, as an instance of the injustice which was often committed by the equivocal mode of trial used in France.

"About seventeen years since, a young peasant girl, possessed of a very agreeable figure, was placed at Paris in the service of a man depraved by all the vices consequent on the corruption of great cities. Smitten with her charms, he tried every method to seduce her; but she was virtuous, and resisted. The prudence of this girl only irritated the passion of her master, who, not being able to make her submit to his desires, determined on the most black and horrible revenge. He secretly conveyed into her box many things belonging to him, marked with his name. He then exclaimed that he was robbed, called in a commissaire (a ministerial officer of justice), and made his deposition. The girl's box was searched, and the things were discovered. The unhappy servant was imprisoned. She defended herself only by her tears; she had no evidence to prove that she did not put the property in her box; and her only answer to the interrogatories was, that she was innocent. The Judges had no suspicion of the depravity of the accuser, whose station was respectable, and they administered the law in all its rigour; a rigour undoubtedly excessive, which ought to disappear from our code to give place to a simple but certain penalty which leave fewer crimes unpunished. The innocent girl was condemed to be hanged. The dreadful office was ineffectually performed, as it was the first attempt of the son of the great executioner. A surgeon had purchased the body for dissection, and it was conveyed to his house. On the evening, being about to open the head, he perceived a gentle warmth about the body. The dissecting knife fell from his hand, and he placed in his bed her whom he was about to dissect. His efforts to restore her to life were effectual; and at the same time he sent for a priest, on whose discretion and experience he could depend, in order to consult with him on this strange event, as well as to have him for a witness to his conduct. The moment the unfortunate girl opened her eyes, she believed herself in the other world, and perceiving the figure of the priest, who had a marked and majestic countenance (for I know him, and it is from him that I have this fact), she joined her hands tremblingly, and exclaimed 'Eternal FATHER, you know my innocence—have pity on me!' In this manner she continued to invoke the Ecclesiastic, believing, in her simplicity, that she beheld her GOD. They were long in persuading her that she was not dead—so much had the idea of the punishment and of death possessed her imagination. Nothing could be more touching and more expressive than the cry of an innocent being, who thus approached towards him whom she regarded as her Supreme Judge; and, independently of her affecting beauty, this single spectacle was sufficient to create the most lively interest in the breast of an observing and sensible man. What a scene for a painter! What a moral for a philosopher! What a lesson for a legislator!

"The process was not submitted to a new revision, as was stated in the *Journal de Paris*. The servant having returned to life, recognized a man in him whom she had adored, and who directed her prayers towards the only adorable BEING, quitted the house of the surgeon, who was doubly unquiet on her account and his own. She retired to hide herself in a distant village, fearing to meet the Judges or the Officers, who, with the dreadful tree, incessantly haunted her imagination. The villanous accuser remained unpunished, because his crime, though manifested to the eyes of two individual witnesses, was not so clear to the eyes of the Magistrates and of the laws. The people subsequently became acquainted with the resurrection of this girl, and loaded with reproaches the execrable author of her misery; but, in this immense city, his offence was soon forgotten, and the monster perhaps still breathes:—at least, he has not publicly suffered the punishment which he deserves.

"A book should be published, containing a collection of cases in which innocent persons have been punished, in order, by shewing the causes of error, to avoid them for the future. Perhaps some man of the law may undertake this important work."

BOW-STREET.

Yesterday a solicitor, attended by several tradesmen, applied to this office to Sir Richard Birnie and Thomas Halls, Esq., for a warrant against a woman for obtaining goods, to a very large amount, by false and fraudulent pretences.

The Solicitor stated that he applied, on behalf of the persons who accompanied him, for a warrant to issue against a woman of dashing habits and imposing manners, who had, by a well-arranged plan, duped them out of goods to the amount of several hundred pounds. She first of all applied to him, representing herself to be the sole surviving relation of an eminent builder, lately deceased, who had died intestate, and she consequently was entiled to his property, and he would take such steps as were necessary to put her in possession of the estates, &c. forthwith. He undertook the matter of course very readily, and having committed her statements to writing, proceeded with all possible dispatch with the preliminary parts of the business. In the interim, she went to the tradesmen on whose behalf he was now applying, and, having previously taken a house, and ordered goods of the most expensive description to be sent home, which she was to have upon credit, she told them the same story as to her recent acquisition of fortune, and referred them to him for the truth of her statement; and he having no doubt upon the subject, confirmed as far as he could all that she had said. The goods were supplied, but it had since been discovered that her story was a string of falsehood; that she had a mother and other relations living, and that she was not entitled to a shilling of the deceased builder's property. She was now in possession of the goods and had openly avowed her intention to sell them.

The Magistrates were both decidedly of opinion that this was not a case within the statute of false pretences; observing that the woman had merely told a parcel of nacked lies, which, by common caution, might have been detected, and exposed.

The Solicitor urged that she had declared she had no relatives living, and it was discovered that she had said also that she was entitled to large property, which was equally untrue, and these, he submitted, were such false pretences as were contemplated by the Statute.

Sir R. Birnie.—I am clearly of opinion not. These were pretences of that nature that the truth or falsehood of them could by common industry in the way of enquiry have been easily ascertained.

Mr. Halls—And common sense should have dictated such a course.

The Magistrates, in the course of some further conversation, said they wished it was more generally known that the statute of false pretences was intended for the protection only of those who used proper caution and vigilance. Tradesmen sometimes gave credit very incautiously with the expectation probably of an exorbitant profit, and when they found themselves deceived, they ran to a Magistrate for a warrant. The protection of the law could not be extended to such men, and as proper precaution had not been taken in this case the warrant could not be granted.

The Solicitor did not mention the name or residence of the lady.

The Morning Herald, May 30.

CONVERSATIONS OF NAPOLEON.

Memorandum of Two Conversations between the Emperor Napoleon and Viscount Ebrington, at Porto Ferrajo, on the 6th and 8th of December 1814.—London: Printed for James Ridgway, Piccadilly.—1823.

The following Memorandum was taken immediately after the interviews which it records:—

Those parts of it which are in French, are, as nearly as I could recollect them at the time, the very words used by Napoleon, and the remainder may be relied on as the genuine substance of what he said to me. Had my memory been better, I might have added much more: but wherever I felt a doubt of its accuracy on any subject, I suppressed that subject altogether.

I am aware, that it may appear like presumption in me, to offer to the public a Memorandum, written solely for my own satisfaction and amusement; and I feel this in a greater degree, since almost every thing that these pages contain, is treated much more at large in the publications which have lately appeared relative to Napoleon. But as no document, however trifling, that throws any additional light on the character or opinions of that extraordinary man can be wholly uninteresting, and as a comparison between accounts given by persons entirely unknown to each other, of his conversations with them at different periods of time, and under very different circumstances, affords perhaps the best means now within our reach of estimating his real sentiments, I have thought that my own narrative, meagre and defective as it is, might not be without its use towards that end; and this consideration has overcome my repugnance to the publication of what, in any other point of view, is so little worthy of it.

I have not altered the original MS lest in endeavouring to put it into a form better adapted for the press, I should take away any thing from its authenticity. It is therefore, printed just as it was written; with the exception of three or four passages, which as they reflect severely on private characters, and are not important from their immediate reference to any matters of great public interest, I consider it right to omit.

EBRINGTON.

March, 1823.

MEMORANDUM, &c. &c.

Porto Ferrajo, Monday, Dec. 6, 1814.

I went by appointment at eight o'clock in the evening to the palace, and after waiting a few minutes, was shewn into the room to Napoleon.

After some questions about myself, my family &c. he asked, eagerly about France, saying. "Dites moi franchement, sont-ils contents?" I said, "Commeça." He replied. "They cannot be;—they have been too much humbled by the peace;—they have had a king imposed upon them, and imposed by England—Lord Wellington's appointment must be very galling to the army, as must the great attentions shown him by the King as if to set his own private feelings up in opposition to those of the country; Si Lord Wellington fût venu á Paris comme voyageur, je me serois fait un plaisir de lui temoigner les egards dus a son grand merite; mais je n'aurois pas eté content que vous me l'envoyassiez comme ambassadeur.—The Bourbons were not calculated to be popular with a people like the French.—Madame d'Angouleme, he had heard, was plain and awkward. "If falloit pour l'ange de la paix du moins une femme spirituelle ou jolie" The King and Monsieur were too much influenced by priests. The Duke d'Angouleme, he had been told, was weak; "et le Duc de Berri a fait dernierement, a ce que l'on dit bien des sottises. Beside they had been the instruments of making a peace on terms to which he (Napoleon) never would have consented; giving up Belgium, which the nation had been taught to consider as an integral part of the dominions of France, and would never quietly submit to be stripped of. "You had gained enough" by the peace in securing the internal quiet of your empire at home, in the recognition of your sovereignty in India, and in having the Bourbons, instead of me, upon the throne. The best thing for England would, perhaps, have been the partition of France; but whilst you left her amply the means of being formidable, you have by what you have taken away, mortified the vanity of every Frenchmen, and produced feelings of irritation, which if not employed in foreign contests, must break out into revolution or civil war." He spoke not from what he had heard: "Car je n'ai de nouvelles que les gazettes, ou ce que m'en disent les voyageurs; mais je connois bien le caractere Français: il n'est pas orgueilleux comme l' Anglais, mais il est beaucoup plus glorieux: la vanite est pour lui le principe de tout, et sa vanité le rend capable de tout entreprendre." The army were naturally attached to him (Napoleon); "puisque j'etois, leur camarade. J'avois eu de succes avec eux et ils savoient que je les recompensois bien: mais ils sentent maintenant qu'ils ne sont rien. Il ya a present en France 700,000 hommes qui ont porté les armes, et les dernieres campagnes n'ont servi qu'a leur montrer combien ils sont superieurs à tous leurs ennemis. Ils rendent justice a la valeur de vos troupes; mais ils meprisent tout le reste."

The Conscription furnished annually 300,000 men, of which he never took above half. No class was exempt: but the higher might get substitutes from the lower, for which they paid 1,000 francs. The common people will now feel that all the soldiery must come from them, without the same bounty, or chance of promotion as before. It had, however, been his system to give every encouragement to such of the superior orders as were willing to serve, and for this purpose he had established a corps of a higher description: "Car je sais que c'est dur pour un gentilhomme d'etre mis au lit avec un soldat." He was always desirous of bringing forward the old families, and had many young men of the ancient regime in his army, who had behaved very well. He had also placed several of them about this court, but he was obliged to do it very cautiously; "Car toutes les fois que je touchois cette corde, les esprits fremissoient, comme un cheval a qui on serre trop les renes." He felt that France wanted aristocracy: "mais il falloit pour cela du temps, des souvenirs rattachans a l'histoire. J'ai fait des princes, des ducs, et je leur ai donné de grands biens, mais je ne pouvois en faire de vrais nobles," on account of the meanness of their connections. He meant, however, gradually to have intermarried them with the old nobility, as he had done in some instances," et si les vingt ans que je demandois pour la grandeur de la France me'eussent été accordes, j'aurois toujours fait beaucoup: mais le sort en a disposé autrement." The King, he thought, ought to follow the same plan, instead of advancing so much those who, for the last twenty years have been "enterrés dans les greniers de Londres." He knew that a King might have his friends like another man, and is naturally desirous of rewarding those who have shewn attachment to him; "mais il faut agir selon les circonstances, et apres tout Paris vaut bien une messe." In England, the King may indulge private partiality in the appointment of his court officers, because there he is only a part of the government. "Le Roi chez vous peut etre malade, meme un peu fou, et les affaires n'en vont pas moins leur train, puisque cela s'arrange entre le ministere et le parlement;" but in France, the sovereign is the source of every thing, and importance is attached to his least action. "Il est comme dans ùn palais de cristal, ou tous les yeux sont tournès vers lui."

He considered the House of Peers as the great bulwark of the English constitution, which he thought would be overturned, if there were in the country materials for making another such assembly, equal in all respects to the present "Mais en France je vous ferois quarante senats tout aussi bons que celui qu'ils ont. On my observing, that I thought he laid too much stress on the peerage, he said that in mentioning the House of Peers, he meant to include the Parliament in general, which he considered as representing, by descent or by election, the heads of the commercial, as well as the landed interest, which were what he called the aristocracy of a country. That this aristocracy had enabled the Royal Family to get over that affair of the Duke of York; which, if it had occurred in France, would have been sufficient to shake, perhaps overturn, the throne. "But John Bull is steady and solid, and attached to ancient establishments, and so different in character from the Frenchman, that there is no bringing the two countries fairly into comparison."

He had read most of the pamphlets published in France since his abdication: "Il y en a qui m'appellent un traitre, un lache—mais ce n'est que la verite qui blesse—les Français savent bien que je ne suis ni traitre, ni lache. Le parti le plus sage pour les Bourbons seroit de suivre à mon egard la meme regle que j'ai tenue par rapport a eux. de ne pas souffrir qu'on en dise ni bien, ni mal.

Speaking of the finances of France he said, "Tout ce que j' ai fait imprimer sur ce sujet est de l'evangile." His civil list income was 30,000,000 francs, but the expenditure seldom exceeded 18,000,000, and with tha he had finished two or three of the palaces. His table cost 1,000,000 francs. His stable and chasse, including 700 horses, 2,000,000. He had an excellent treasurer, whom he named, but I forget: "Et je n souffrois jamais de g spillage" Besides this he had the disposal of the "Domaines extraordinaires," a fund of 200,000,000 out of which he made presents, and rewarded those who distinguished themselves. To my question "whence it came?" he ans ered, Des contributions de mes ennemis; l'Autriche pour deux paix m'a payé par articles secrets 300,000,000 francs; et la Prusse aussi enormement." I asked whether he had received any thing from Russia? He said, "Non, je n'ai exigé d'elle que de fermer ses ports contre l'Angleterre." I asked him what he thought of the Emperor? He said, c'est un veritable Grec, on ne peut se fier a lui; il a pourtant de l'instruction, et quelques idees liberales dont il a été im bupar un philosophe, La Harpe, qui l'a elevé. Mais il est si leger et si faux, qu'on ne peut savoir si les sentimens qu il debite resultent vraiment de ses pensees, ou d'une espece de vanité de se mettre en contraste avec sa position." He mentioned as an instance an argument they had had upon forms of government in which Alexander maintained a preference for elective monarchy. His (Napoleon's) opinion was quite contrary, for "who is fit to be so elected? Un Cesar, un Alexandre, dont on ne trouve pas un par siecle: so that the election must after all be a matter of chance, et la succession vaut surement mieux que les dez." During the fortnight that they were at Tilsit, they dined together nearly every day, "Mais nous nous levions bientot de table pour nous debarrasser du Roi de Prusse qui nous ennuyoit. Vers les neuf heures, l' Empereur revenait chez moi en froc prendre le thé," and remained conversing very agreeably on different subjects, for the most part philosophical or political, some times till two or three o'clock in the morning." The Emperor Francis, he said, had more honesty but less capacity. "Je me fierois a lui bien plutot qu' a l'autre, et s'il me donnait sa parole de faire telle ou telle chose, je serois persuadé qu' au moment de la donner, il aurait l' intention de s'y tenir; mais son esprit est bien borné, point d'energie, point de caractere." The King of Prussia he called "un caporal," without an idea beyond the dress of a soldier, "infiniment le plus bete des trois." The Archduke Charles was "un esprit tres mediocre" who had, however, on some occasions, shewn himself not to be without military talent.

Speaking of the Russian campaign, he said, that when he got to Moscow, he considered the business as done; that he was received with open arms by the people on his march, and had innumerable petitions from the peasunts, praying him to emancipate them from the tyranny of the nobles; that he found the town fully supplied with every thing, and might perfectly have subsisted his army there through the winter, when in twenty-four hours it was on fire in fifteen places, and the country all round, for twenty miles, laid waiste: "an event," said he, 'on which I could not calculate, as there is not, I believe, a precedent for it in the history of the world Mais parble, il faut avouer que cela a montré du caractere." He then talked over his last campaign, and ascribed his ruin entirely to Marmont, to whom he had given some of his best troops and the post of the greatest importance, as a person on whose devotion to him he could most depend; "For how could I expect to be betrayed by a man, whom I had loaded with kindnesses from the time that he was fifteen years old? Had he stood firm I could have driven the Allies out of Paris, and the people there, as well as generally throughout France, would have risen in spite of the Senate, if they had had a few troops to support them; Mais meme avec lui les allies etoient trois contre un, et apres sa desertion, avec l' incertitude dans laquelle elle me mettoit, il n'y avait plus d'espoir de succés. J'aurois pu etre en ce moment en France, et prolonger peut etre pendant quelques annees le combat, mais contre l' Europe reunie je ne pouvois me flatter, dans les circonstances actuelles, de le terminer heureusement. J'ai bientot pris mon parti, pour eviter à la France une guerre civile, et je me regarde comme mort; car mourir, ou etre ici cest la meme chose."

He spoke lightly of the talents of his Marshals, but having once raised them it had been his system to maintain them. He had always been indulgent respecting military errors, as he shewed, in not removing Marmont from his command, after the loss of his artillery at Laon, which he now believed to have been treachery. He said that Augereau was a "mauvais sujet," who he thought had made his terms a month before he declared himself. He spoke well of Massena, "Il s'est, je croisbien comporte, comme aussi les Marechaux Soult et Davoust. I asked if he was not surprised at Berthier having been among the first to hail the king's arrival. He answered with a smile. "On m'a dit qu'il a fait quelquessottises de cette espece; mais ce n'est pas une tete forte. Je l'avois avance plus qu'il ne meritoit puisqu'l m'etoit util pour la plume. D'ailleurs je vous assure que c'est un bon diable, qui, s'il me voyoit seroit le premier a metemoigner ses regrets de ce qu'l a fait, les larmes aux yeux."

I asked him what he thought of the King of Spain? he said he was not without natural understanding, but ignorant and biggotted from the fault of his education, which had been left entirely to priests. "D'ailleurs le caractere le plus dissimule "que j'ai jamais vu." He considered Charles IV to be honest and well-intentioned, but with very little capacity. His queen, I think, he called "une mechante femme;" but I do not recollect his saying much about her.

He inquired if I had seen "le beau Musé que "je leur ai donne a Paris;" but expressed some regret at having taken away so many fine things from Italy. "J' ai ete en cela un peu injuste; mais je "ne pensois alors qu'a la France." He had meant, however, to acquit his debt one day to Italy, by separating it from the French Empire, and forming it altogether into an independent kingdom for his son. I asked him if the King of Naples (Murat), would no have made an obstacle to this arrangement He said, "Yes, for the present, but "I should have settled that some how or other by the time my son came of age." He had found the Italians lazy and effeminate. "Mais j' ai fini "par en faire d'aussi bons soldats que les Français." On my naming the Viceroy, he said, "C' est un jeune homme que j' ai toujours traite comme mon fils et dont j' ai toujours eu lieu de me louer." I sked if he was not a very good officer, he said, "Oui, il s'est toujour tres bien conduit; out he is by no mea s a man of superior talents." He questioned me a good deal about Milan; the disposition of the people towards him; whether the things he had begun there were going on, &c.; and seemed pleased at my admiration of the Simplon, which led him to speak of the roads and other public works he had made, or intended to have made, in different parts of the French dominions. Among them he particularly mentioned the dockyards at Antwerp and Venice.

He asked me: Que feroit-on avec moi si je venois en Angleterre? serois-je lapidé?" I replied, that he would be perfectly safe there, as the violent feelings which had been excited against him were daily subsiding now that we were no longer at war. He said, smiling, "je crois pourtant qu' il y auroit toujours quelque risque de la part de votre mob de Londres." I then mentioned to him the odium that some acts of his had produced in England and instanced the execution of the Duke d'Enghien. He justified it on the score of his being engaged in a reasonable conspiracy; and having made two journies to Strasburgh in disguise, in consequence of which he had been seized and tried by a military commission which sentenced him to be shot. "On m'a dit qu'l demanda a me parler ce qui me toucha car je savois que c'etoit un jeune homme de coeur et de merite; je crois meme que je l' aurois peut etre vu; mais M de Talleyrand m'en empecha, disant: N'allez pas vous compromettre avec un Bourbon; vous ne savez pas ce qui en pourron etre les suites; le vin est tire, il faut le boir." I asked him if it was true that the Duke was shot by torch light he replied, "En! non; cela auroit ete contre la loi. The execution took place at the usual hour, about eight in the morning; and I immediately ordered the report of it, with the sentence, to be published in every town in France." I mentioned the idea that prevailed in England as to the murder of Captain Wright. He did not recollect the name; but on my saying that he was a companion of Sir Sidney Smith, he said, "Est il donc mort en prison? car j' ai entierement oublie la circonstance." He scorned the notion of foul play, adding that he had never put any man to death clandestinely or without a trial: "Ma conscience est sans reproche sur ce point; and had I been less sparting of blood perhaps I might not have been here now. But your news papers charged me also with the death of Pichegru, who strangled himself with his neckcloth."

He then went into an interesting account of Georges' conspiracy, its discovery by the confession of——, an apothecary, a chouan; and a curious conversation which was overheard between Moreau, Pichegru, and Georges, at a house on the Boulevards. It was there settled that Georges should assassinate him (Buonaparte), that Moreau should be First, and Pichegru Second Consul: Georges insisted on being Third; to which they objected, saying, that any attempt to associate him in the Government would ruin them with the people, as he was known to be a royalist.

On this he said, "Si ce n'est donc pas pour moi je suis pour les Bourbons; et si ce n'est ni eux, ni moi, bleu pour blue, je voudrois aussitot que ce fut Bonaparte que vous." When this was repeated to Moreau on his examination, he fainted away. "Had I had been as sanguinary as I am represented in England," said Napoleon. "I should have put him to death; but after his being convicted of having connected himself with Georges, whatever influence or popularity he had was at an end." I asked him if he was a man of talent? He said, "None, except as a soldier; nor would

his own disposition ever have led him into political intrigues. " Mais il avoit une mechante femme et une belle mere fort intriguante," who were the causes of it."

He spoke with apparent pleasure of Egypt, and described humourously enough his admission, and that of his army, to Mahometanism, on receiving from the men of the law, after many meetings and grave discussions at Cairo, a dispensation, from being circumcised, and a permission to drink wine, under the condition of their doing a good action after each draught: " You can hardly imagine," said he, " the advantages which I gained in the country from this adoption of their culte." I mentioned Sir Robert Wilson's statement of his having poisoned his sick: he answered, " Il y a dans cela quelque fondement de vrai. Three or four men of the army had the plague: they could not have lived twenty four hours; I was about to march; I consulted Desgenettes as to the means of removing them; he said that it must be attended with some risk of infection, and would be useless to them as they were past recovery. I then recommended him to give them a dose of opium rather than leave them to the mercy of the Turks. Il me repondit en fort honnete homme que son metier etoit de guerir et non de tuer: so the men were left to their fate. Perhaps he was right, though I asked for them what I should under similar circumstances, have wished my best friend to have done for me. I have often thought since on this point of morale, and have conversed on it with others, et je crois qu'au fond il vaut toujours mieux souffrir qu'un homme finisse sa destine quelle qu'elle soit. I judged so afterwards in the case of my friend Duroc, who when his bowels were falling out before my eyes, repeatedly cried to me to have him put out of his misery. Je lui dis, je vous plains mon ami, mais il n'y a pas de remede, il faut soutfrir jusqu'a la fin." I then asked him about the massacre of the Turks at Jaffa; he answered, " C'est vrai J'en fis fusiller a peu pres deux mille.—Vous trouvez cela un peu fort—mais je leur avois accorcé une capitulation a El Arish á condition qu'ils retourneroient chez eux. Ils l'ont rompue et se sont jettés dans Jaffa où je les pris par assaut. Je ne pouvois les emmener prisonniers avec moi car je manquois de pain, et ils etoient des diables trop dangereux pour les lacher une seconde fois, de sorte que je n'avois d'autre moyen que de les tuer."

This is all that I accurately recollect of this interesting conversation, which lasted from eight till half past eleven o'clock, as we walked up and down the room. His manner put me quite at my ease almost from the first, and seemed to invite my questions, which he answered upon all subjects, without the slightest hesitation, and with a quickness of comprehension and clearness of expression beyond what I ever saw in any other man; nor did he, in the whole course of the conversation, betray either by his countenance or manner, a single emotion of resentment or regret.

Wednesday, Dec. 8, 1814.

As I was embarking to return to Leghorn, an aid-de-camp brought me an invitation to dine with the Emperor, which I accepted. I went at seven o'clock, and soon after, dinner was announced. It was plain, but well served, on plate, which from its size and substance most probably had been his campservice. General Bronot dined with us, but did not join in the conversation, and almost immediately after we went into the next room to coffee, left me alone with Napoleon.

He asked me several questions about the administration of justice, the courts of law, and the magistracy of England; answering, at the same time, mine, respecting the administration of justice in France, and discussing their comparative merits. From this we got to the two Houses of Parliament, and some of the principal speakers in them, such as Mr. Canning, Sir Francis Burdett, Mr. Whitbread, Lord Castlereagh, Lord Liverpool, Lord Grey, and Lord Grenville. He said that he had seen some very good speeches of the latter, which gave him a great idea of his talents. He added, " Lord Grey est aussi un de vos grands orateurs." He asked me about the motion I had made in behalf of Lord Cochrane, and said, " Vous aviez raison; un homme comme lui ne devoit pas souffrir une peine si infame." But he was astonished that the House of Commons should have allowed one of their own body to be so condemned; seeming in this, as in our former conversation, to confound the two Houses of Parliament together, and to consider them as the only tribunal for the trial of their own members.

He entered a good deal into the state of parties, and asked if there existed any in England, " assez Jacobin pour celebrer comme fete le jour de la mort de Charles I" On my answering, that I believed not, but that on the contrary, some of the zealous Jacobite clergy still read the service appointed for that day, as a fast in our liturgy, he said, " Eh! mais c'est le contraire de ce que je vous demandois; car je sais bien que le Jacobite signifie Tory, par excellence, Je crois pourtant qu'au fond il n'y a gueres parmi vous de vrais Jacobins. Vous avez dans votre Opposition toujours devant les yeux ce prenez garde que vous n'ayez un jour la majorite." He, at the same time praised our political consistency: " for," said he, " in England, a man who quits his party is, to a certain degree, disgraced, unless he has some good reason to assign for it; whereas in France, they change sides just as it may suit their present interests, without feeling accountable to any one." He was surprised at the impolicy of our Government with respect to the Catholics: " Je crois que le Prince Regent a rompu ses engagemens avec eux a cause des intrigues de milord Sidmouth: c'est un bigot que ce milord Sidmouth. Mais malgre cela, je crois que votre Parlement ne tardera pas long-temps a passer l'acte d'emancipation."

He inquired after several persons whom he had seen at Paris during the peace: the Duke and Duchess of Bedford, Lord Whitworth, Lord Erskine, Lord Holland; and a good deal about Mr. Fox, with whom he said he had conversed much: " Et il a ete content de moi, n'est ce pas?" I told him, that I was not sufficiently acquainted with Mr. Fox to have ever heard him say so, but that I understood he had been much flattered by the reception he met with from him, as well as generally in France. He said, " Il en avoit bien raison, on la recu partout comme un Dieu, parce qu'on savoit qu'il etoit toujours pour la paix." He spoke of his oratory, as compared with that of Mr. Pitt; asked if the former was not more " dans le genre de Demosthene, et l'autre dans celui de Ciceron?" and discussed the two styles as if he was well acquainted with their authors.

He said that it was his wish to have kept the peace of Amiens, but that we choose to break it. He praised, in the highest terms, the late Lord Cornwallis, as a man who, without superior talents, was from his integrity and goodness an honour to his country. C'est la ce que j'appelle la belle race de votre noblesse Anglaise," and he wished that he had had some of his stamp in France. He added, that he always knew whether the English cabinet were sincere in any proposal for peace, by the persons they sent to treat. " Je crois que si M. Fox eut vecu, nous aurions fait la paix, car la maniere dont il a commence sa correspondence avec M. de Talleyrand nous a donne une preuve de sa bonne foi qui a beaucoup plu—vous vous rappelez la circonstance de l'assassin—mais ses collegues dans le ministere n'etoient pas aussi pacifiques que lui. I said, that the impression we had of his views of aggrandizement made many of our statesmen, and Lord Grenville among them, afraid of making peace with him. He replied, " Vous aviez tort. je ne voulois que vous rendre justes; je respecte le caractere Anglais, mais je voulois la liberté du commerce et de la mer—les circonstances en me suscitant des guerres m'ont fourni les moyens d'aggrandir mon empire, et je ne les ai pas negliges; mais il me falloit plusieurs annees de repos pour tout ce que je voulois faire pour la France.'

—Dites Lord Grenville qu'il vienne me voir a l'ile d'Elbe.—I believe you thought, in England, that I was the devil; but now that you have seen France, and seen me, you will probably allow that you have, in some respects, been deceived.

I attaked his detention of the English travellers: which he justified on the score of retaliation, for our making prizes at sea before declaration of war. I replied, that this had been in a manner sanctioned by long use. He said, " Yes, to you who gain, but not to others who suffer from it; and if you make new laws of nations, I have a right to do the same. " Je suis sur que vous croyez en Angleterre qu'au fond j'avois raison, puisque j'ai montre du caractere en ça. Eh! je suis un peu corsaire comme vous autres."

I observed to him how much I had been struck with the general state of cultivation in France. He ascribed it chiefly to the divison of property produced by the revolution; but also, in some degree, to the encouragement he had given to agriculture, which had always been his first object; then manufactures; and, thirdly, commerce. In England he knew that, from her local situation, the case must be different; but he should think ill of her prosperity, when the interests of land came to be sacrificed to those of commerce. He went at some length into his plan for the re-establishment of an aristocracy, by restoring or given titles of nobility to all who could prove their immediate descent from persons who had served the country in any high office, civil or military; buying estates for them, according to their several degrees of nobility, out of the " Domaines extraordinaires, " and uniting them by intermarriages with the families of his marshals.

He asked me if I had seen his " Temple de la Gloire " at Paris. He intended it for a very different purpose, having contrived the inside so, that it might, with a little alteration, be made into a church, which he should, in some eighteen or twenty years, have dedicated to the expiation of the massacres of the revolution. " Mais je me gardai bien de faire connoitre ce dessein, car etant nouveau moi-meme il me falloit beaucoup de menagement, et vous etes, je crois la quatrieme personne a la quelle j'en ai fait part. J'attendois pour l'avoir plus que le tems disposat de ce qui restoit en France de ceux qui l'avoient figuré dans ces scenes." He spoke of the church establishment of France which had been entirely his own work; the revolution having destroyed the old one without substituting any thing in its place. " In this, " said he " I had a great

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advantage, from beginning de nouveau." He thought an establishment essential to every state, to prevent the disorders that might arise from a general indulgence of wild, speculative opinions: "Nous ne savons d'ou nous venons, ce que nous deviendrons;" but our minds, if not otherwise employed, turn naturally to our own situation; and the mass of the people ought to have some fixed point of faith, whereon to rest their thoughts. "D'ailleurs pourvu qu'un homme soit un bon sujet, je ne m'embarrasse pas de sa maniere de prier Dieu: je suis Catholique puisque mon Pere l'etoit, et parceque c'etoit la Religion de la France." On my observing that, there seemed a great indifference generally throughout the country about public worship, he said, "Eh! non: le Francais aime bien son curé, et sa messe, pourvu toujours qu'il n'aye pas a le payer." He had frequently petitions from villages and districts for a parish priest, to which he always assented, "a condition qu'ils le payeroient:" this they as constantly declined. He then enquired into their case, and if he found the request reasonable, gave them the cure; for he rather liked to encourage devotion among the people. Not so, however in his armies: "je ne suffrois pas des pretres là, car je n'aime point le soldat devot." He also carefully excluded the priesthood from any thing like civil jurisdiction; and therefore enacted that all marriages should be registered in a lay court, making that register the legal proof, without the necessity of any certificate from the priest, or even of any religious ceremony at all, if the parties were content to have it so. He asked if we did not continue to pay tythes in England; and wondered that Henry VIII., when he reformed our church, did not get rid of them altogether; "Mais vous lui devez toujours des obligations infinies de ce qu'il a fait."

He discussed the policy of France with respect to St. Domingo, and condemned the measures they were adopting, as ill calculated to promote their views there. He did not object to the abolition of the slave trade, though he might to a treaty compelling him to it; but, in his opinion, the best mode of at once tranquillizing and civilizing the colonies, would be by the encouragement of intermarriages between the whites and blacks; and for that purpose he would allow every man to have two wives, provided they were of different colours; so that the children of both, brought up under the same roof, and, upon the same footing, would, from their infancy, learn to consider themselves as equal, and in the ties of relationship to forget the distinction of colour. He believed that the origin of polygamy in the east had been derived from the same principle, of uniting nations of different colours, and habits separated by great deserts and rivers, when they came under one government; and wisely had it been adopted by Mahomet in his law. The Jews acted on a contrary system, from a desire of keeping themselves a distinct nation, and from them it derived our law respecting marriage; but why should we carry it among people where from the nature of our relations with them, it can only do us harm? He went into a good deal of argument (which I do not recollect), in favor of his opinion, but added; "I do not tell you that I should have been able to carry it into effect: it was, perhaps, too great an innovation for a sovereign, nouveau comme moi, singly to attempt; but I am persuaded that if it could be adopted throughout the colonies generally, it would produce the most beneficial result."

He asked how our affairs went on in America. "Comment font-ils, pour vous battre sur la mer?" I answered, that their frigates were of a larger size, and more fully manned. He said, with a smile, "Mais c'est toujours vrai qu'ils vous battent." He entered into some discussion on the grounds of the war, and concluded, "You had better make peace; you will gain more by trading with them than by burning their town; besides, your state of war at this time weakens your influence at the Congress."

He inquired kindly after "Mon bon ami Usher," and spoke with great admiration of our discipline and skill in the management of our ships; "Si j'etois resté en France, j'aurais aussi avec le temps eu une marine; je ne dis pas qu'elle auroit battu la votre, mais j'aurois pourtant eu."

On my expressing my surprise at the admirable sang froid with which he bore the change of his situation, he said, "C'est que tout le monde en a ete, je crois, plus etonné que moi: je n'ai pas une trop bonne opinion des hommes, et je me suis toujours mefié de la fortune; d'ailleurs j'ai peu joui: mes freres ont été beaucoup plus rois que moi. They have had the enjoyments of royalty, whilst I have had little but its fatigues." He asked if I knew his brother Lucien, and what success his poem had had? said he was a clever man, but doubted his understanding sufficiently the "finesses" of the French language for an epic poet. "C'est de tous mes freres celui qui a le plus de talent; mais c'est un homme, qui m'a fait beaucoup de mal; son mariage etoit pour moi, qui voulois fonder une dynastie, une chose terrible, d'aller se marrier avec une femme du peuple, une jolie femme de Paris, &c." He had done every thing to prevent it; "mais a toujours eu un travers pour les femmes."

Speaking of some of the events of the last campaign, he said, that on the Allies crossing the Rhine, he had urged the Senate to decree that no peace should be made whilst the enemy was within the territory of France. "Cela auroit donnè de la confiance au peuple qui commencoit a se soulever contre les allies, c'etait là le moment de montrer du caractere—les Romains furent souvent vainqueurs, mais ils ne furent jamais si grands qu' apres la bataille de Cannes. A Parliament like that of England would have done so, mais le Senat n'en eut pas le courage. They began a me chicaner sur des miseres which had been matter of dispute between us: Ils se disoient: l Empereur n'est pas comme les autres hommes, il ne se plait qu a guerre, il hait le repos, les plaisirs, les femmes — This was by no means the case: I enjoyed my pleasures like another man, when I had time for them:—J'ai eu deux femmes—vous savez l'histoire de mon divorce." He believed there could hardly be found an example of another grounded so exclusively on public motives, "et dans l'amitie la plus parfaite. J'ai depuis epousé une jeune princesse, d'un age un peu disconvenable a la mienne; mais personne, je crois ne doute qu'elle ne me soit beaucoup attachée. J ai aussi eu des maitresses qui m'ont bien aimées: mais je n'ai amais eu une maitresse en titre, et je ne me suis jamais laissè gouverner par une femme."

Some of the old Republicans, among whom, I think, he named Cambaceres, remonstrated with him against his marriage, lest the niece of Marie Antoinette should indulge a spirit of revenge against those who had been instrumental to her aunt's death. He answered them: "Rassurez vous, mes amis, je l'epouserai; mais je vous promets bien qu'elle ne me gouverne pas.—Ma femme qui est une personne d'un bon sens excellent, a parfaitement entè dans mes vues sur ce point en leur faisant à tous l'accueil le plus gracieux."

He asked me about my intended stay in Italy, the places I proposed visiting, &c. &c. On my mentioning Naples, he said, "Vous verrez donc surement le Roi de Naples—c'est un bon militaire; c'est un des hommes le plus brillants que j'ai jamais vu sur un champ de bataille—Pas d'un talent superieur, sans beaucoup de courage moral, assez timide meme pour le plan des operation—mais le moment qu'il voyoit l'ennemi, tout cela disparoissoit—c'etoit alors le coup d'œil le plus rapide, une valeur vraiment chevaleresque—D'ailleurs un bel homme, grand bien mis, et avec beaucoup de soin; quelque fois un peu fantasquement—Enfin un magnifique 'Lazzarone.'—I asked if he did not make a fine charge with cavalry at the battle of Leipsic on the first day? He replied, Parbleu il les menoit toujours meme trop bien, il les faisoit trop tuer—et toujours en avant lui-meme. C'etoit vraiment un superbe spectacles de le voir dans les combats à la tête de la cavalerie."

He shewed more animation in speaking on this than on any other topic in the whole course of conversation, and seemed quite to dwell on it with pleasure. He said, "Vous verrez aussi la Reine; c'est une belle personne, et tres fine."

He then asked me how long I proposed remaining at Elba; offered me a horse out of his stables to ride about the island, and at a little past eleven o'clock dismissed me.—THE END.

STANZAS ON THE DEATH OF JOHN KEMBLE.

——— Nunc te mea
Chartis inornatum silebo,
Totve tuos patiar labores
Impune, ***, carpere lividas
Obliviones.

The star that o'er departed years
Shed forth its bright and beauteous beam,
Even as its brilliance disappears,
Proclaims that life is all a dream.
Kemble! before our visions thou
Didst pass, the paragon of men;
Thine eyes flash'd lightnings, and thy brow
Awed Darkness to her den!

Thy genius took a thousand forms,
To grace—to dazzle—to dismay—
Now brooding o'er dim-gather'd storms,
Now shedding rosy, radiant day.
Witness the Moor's all-jealous ire;
Witness the Prince's restless eye;
Witness the King's contrition dire,
The Roman's dignity!

Thou stood'st, an emblem to our eyes,
Of all that sudden or sublime—
A form descended from the skies,
To nobly image ancient times—
To say, "Behold in me revived,
Turn from tradition's pictured page,
One, who in gusts of glory lived,
In some far vanish'd age!"

Lo! even thou the shade art fled—
Upon a far romantic shore,
Fate bade thee mingle with the dead,
And we behold thy form no more!
No more!—yet brightly shalt thou shine,
A thought that never can depart,
Mingled with youth's warm dreams divine,
In many a grateful heart.

Amidst admiring thousands, thou
The awful passions of the soul
Bade'st rise and work; and, o'er thy brow,
The sun did shine, the storm did roll:
Love, like the zephyr's vernal sigh—
Anger, like Etna when it burns—
Despair, and guilt, and jealousy,
In all their varied turns.

But thou hast left us—thou art gone
To rest in low and lonely bed,
Torn off from life, an added one
To the great legion of the dead,
Shakespeare! his wreath is twined with yours;
With you he blends his dazzling lore:
Ne'er, while the Drama's reign endures,
Can, Kemble be forgot!

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